Mr. Madison's War.

A

DISPASSIONATE INQUIRY

INTO THE

REASONS ALLEGED BY MR. MADISON

FOR DECLARING AN

OFFENSIVE AND RUINOUS WAR AGAINST GREAT-BRITAIN.

TOGETHER WITH

SOME SUGGESTIONS,

AS TO A

PEACEABLE AND CONSTITUTIONAL MODE *OF AVERTING THAT DREADFUL CALAMITY.*

BY A NEW-ENGLAND FARMER.

"Poor is *his* triumph, and disgrac'd *his* name,
Who draws the sword for empire, wealth, or fame;
And poorer still those statesmen's share of praise,
Who at a tyrant's nod their country's standard raise:
For them though wealth be blown on every wind,
Though" France "announce them mightiest of mankind,
Though *twice ten* nations *crouch* beneath their blade,
Virtue disowns them, and their glories fade.
For them no prayers are pour'd, no pæans sung,
No blessings chaunted from a nation's tongue.
Blood marks the path to their untimely bier;
The curse of orphans and the widow's tear
Cry to high Heaven for vengeance on their head;
Alive deserted, and accurst when dead."

SECOND EDITION.

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1812.

If any man will give the following sheets, the attentive perusal, which the importance of the subject demands, and is not convinced, and ready to acknowledge that the best interests and liberties of his country have been betrayed by Madison and Co., he is fit for, and ought to be a slave —

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INTRODUCTION.

AFTER the following pages were put to press, most interesting information was received from Europe, which, as it serves to illustrate, and confirm the opinions of the writer, as it will put to the test the sincerity of our administration, as it will enable us to decide, whether the *real* object of the present war is to protect the commercial rights and interests of the United States, or to promote the views of France, and in systematic co-operation with her; and as this intelligence more especially and distinctly proves, that the Berlin and Milan decrees were *not* repealed at the *time* when they were professed to be, but that their repeal, if it has *yet taken effect*, was only the result of our "common measures adopted against the common enemy," as M. Turreau justly characterised them, we trust we shall be excused for devoting a few pages to the examination of this recent intelligence and of its bearing upon the existing situation and policy of the United States.

Sometime in the month of May last (1812) Bonaparte published a decree purporting to bear date April 28, 1811, in which reciting, as its SOLE cause, that "Congress had by their act of March 2, 1811, declared that British ships and merchandise should be interdicted an entry into the ports of the U. States," and reciting further, "that the aforesaid law of Congress is an act of *resistance* to the *British Orders in Council*," he proceeds to decree, that "the Berlin and Milan Decrees ARE definitively (from the first of November last) considered as no longer in force as far as respects American vessels." The phraseology is indeed *curious*—

there are no words of repeal or revocation—but it is simply declared, that the decrees *are* considered as no longer in force so far as respects American vessels. Notwithstanding this his Majesty may seize their cargoes and condemn them with a much smaller violation of his imperial word than we have sometimes seen.

Various, numerous and important are the thoughts to which this singular ex post facto decree gives rise, and if some of them bear hard on our administration, who have just entered into an avowed co-operation and concert with France, they are indebted to their new ally for these reflections, and not to us.

The first and most obvious inquiry is, was this decree really passed in *April*, 1811, though not promulgated till *May*, 1812? or is this a decree *ante-dated* to promote any political and *sinister* views?

If bona fide issued on the day of its date, why was it withheld from our minister, Mr. Russel, who was during the months of May and June, 1811, urging the French government to give some substantial proof of the repeal of the French decrees? Why was it kept back from the nation which upon the face of it was *the only one* affected by it? In *June*, 1811, Mr. Russel informed the French minister, that he kept the John Adams in waiting *solely* that she might carry out to the United States *something* that might satisfy our people that the decrees were repealed. Yet on the 14th of July all he could obtain was the release of two vessels which did not come under their operation, but of five others captured after November, 1810, and coming within the decrees, *not one* of them was then, or has been yet released.

Mr. Barlow soon after arrived in France, a man better suited than Mr. Russel to conduct a negociation in which the United States were to yield their independence to France. *He* also in very suppliant strains from August, 1811, to February, 1812, urged the Emperor to furnish *some* proof of the repeal of the Berlin and Milan decrees. Yet his Imperial Majesty did not *recollect*, or did not see fit to furnish the simplest and best possible answer, his pretended decree of April, 1811.

If that decree had been furnished, Britain probably would have *long since* repealed her orders in council, and this disastrous war

might have been avoided. If that decree had been promulgated the courts of France, Naples and Holland would have restored the numerous vessels captured or seized under the Berlin and Milan decrees, and *without that decree* they could not do it. For Gen. Armstrong declared in one of his letters, that the council of prizes stated to him that they could take *no other evidence* of the repeal of the decrees, than a solemn imperial edict which should annul them. Why then, *was this evidence withheld?* We shall give our own suggestions as to the *reasons presently*——We had not then promised to *enter into the war!!*

But we ask further, why if the decrees were repealed so far as respects *Americans*, his *Majesty in person* condemned the Catharine, Ockington, owned by John Parker Esq. of Boston, and others; and four other ships and cargoes taken in the Baltick, under pretence of having been boarded by British cruisers,or being laden with the produce of enemies colonies, in September, 1811, five months after the date of the *pretended* decree of repeal?

Again, if the decrees were repealed in April, 1811, why, if *not communicated to us*, who were specially interested, and to the world, were they kept in the Emperor's cabinet till 1812, and not communicated either to his court or his Minister of Marine, when the event to which they referred happened in March, 1811? Why did Feretier's squadron which sailed in January, 1812, nine months afterwards, sail under the *repealed* decrees? Why were *they* ordered to capture, sink, burn and destroy every American vessel which had traded to an *enemy's port?* Why was the brig owned by the Messrs. Curtis's of Boston, destroyed by that squadron, and a dozen others, whose losses have been paid by our underwriters? Why did the Emperor in his official speech to his senate, lately referred to by Mr. *Foster*, as late as *March* last, still declare them to be the fundamental laws of his empire? How could they be repealed, and yet in force? There was no other nation but America, on whom they would operate, and yet he declared them last March, the laws of his empire.

In short, this measure may be considered the CLIMAX of French injustice and intrigue. While their decrees which operate *against* us are *instantly* promulgated, and have sometimes a retrospective

tendency, this pretended *favourable* decree is confined to the Emperor's breast for *thirteen months;* or rather, as we shall presently shew, the price given for it was an assurance of a declaration of war, and it was *ante-dated* to cover the honour of one of the high contracting parties.

But this is the narrowest and most favourable view of this strange transaction. There are lights in which it ought to be considered which bear as hard upon our administration as they do upon France.

Bonaparte announces as the *sole* ground of his *pretended* repeal that our act of *March* 2, 1811, was a *resistance* of the orders in council. But it will be remembered that the *sole ostensible*, and the *only plausible*, though unjust ground of our act of March, 1811, was the previous revocation of the French decrees, on *the 1st of November*, 1810.

So then we have this extraordinary state of the case.

Congress in May, 1810, passed a law pretended to be impartial, which provided that the non intercourse act should cease as to the nation which should *first repeal its decrees*, and that it should operate on the other which should *fail* so to do.

Mr. Madison declared the *French decrees* repealed in November, 1810, and Congress in pursuance of its *pledge* to France, and supposing the decrees repealed in November, 1810, passed the non importation act of March 2, 1811, operating only against Great Britain, and therefore in effect making *war upon her alone*.

France, regardless of the character or consistency of our administration, *now* declares that her decrees were not repealed until April 28, 1811, and then insultingly tells them that it is *only in consequence* of our act of March 2, 1811, which act was passed *as is professed only in consequence* of the supposed and *alleged previous* repeal of the Berlin and Milan decrees, in November, preceding. In any *other* view, that act would have been a shameful example of partiality.

Thus it seems that in addition to the bitter pill of war, we are compelled to swallow this most nauseous and disgusting dose—we are to admit that our retaliation upon France was *first* withdrawn, *before* she would consent to repeal her decrees, and Mr.

Madison declared to the world that her decrees *were* repealed, which she *now* says were *not* repealed until after we adopted what she *directed*, that is, measures of resistance against her enemy's orders, which were *second* in point of date, and merely retaliatory.

If this is not a triumph of France over our pride, our honour, our character, our justice, our interest, and our liberties, I confess I do not know what acts could amount to such a triumph.

We have now taken *one view*, and not a very honourable one either to France or our own administration, of this news. From this examination it will appear to every man not wedded to France or to party views—

1st. That the French decrees were never in *fact* repealed till this very last month of *May*, when the repeal was issued. The well known execution of them by French officers and by the emperor in person, renders the *pretence* of repeal, only an insult on our understandings.

2d. That the *ante-dating* the repeal was intended to screen our administration; but the pride of France overcame her desire to save Mr. Madison. She did not choose to have it appear in the face of Europe, that she repealed her decrees without a quid pro quo—without a salvo for *her own honour*.

She, therefore, alleges on the face of this repeal, that OUR *resistance* to Britain was the sole moving cause; while we found our *resistance* of Britain upon the previous repeal of *her decrees*. How these anachronisms, or contradictions of dates, are to be reconciled, we leave to the Gallo-American chronologists to explain.

But there is a more *serious light* in which this topick must be viewed, and if the declaration of war aroused our fears and excited our jealousies, surely this event of the coincident, and late, and reluctant, and strange repeal of the French decrees is not calculated to quiet or allay them. *If France* could have foreseen that *before* her repeal of the Berlin and Milan decrees could reach America, war would be declared by Mr. Madison against Great Britain—*If* a *copy* of his war message, and an assurance of his determination to engage in war, *could* have been transmitted by the Wasp, which is now in France; why, everyman will perceive

that Bonaparte might *very safely* repeal his Berlin and Milan decrees—because those decrees only forbade our trade with England, and a war between us and her would do that much more effectually. Now we do not say that *this was* the case; but we *do* say that it would not be more extraordinary than Mr. Madison's conduct in the case we have just considered, in declaring the French decrees repealed six months before our common master now says they were ever pretended so to be.

But there is a collateral fact which puts this question, in my opinion, *at rest*. Mr. Barlow did tell an American gentleman in Paris, in May last, thirty days before the declaration of war in this country, that war was, or would be declared immediately by America against Great Britain; and advised him to regulate his concerns accordingly; and that gentleman did write to his friends in Salem to take measures for his *exchange* in case he should be taken prisoner on his return. This looks serious!! How did Mr. Barlow, in France, know this fact last May, when *we private citizens* had no suspicion of it, in *this country?* The answer will be found in our succeeding pages—by the same means by which Armstrong, in France, predicted the embargo, sixty days before it was proposed here—by a *secret* understanding between our administration and that of France. There is an *end* then to this mystery. The decrees which were to be fundamental laws of the empire expire. Why? Has the emperor's purpose changed? No—America having declared *war* at his order, there is no longer any nation on whom they can operate. Who ever doubted that they would be repealed as to us when we should declare war against England? and we see them so admirably well timed as to reach this country amidst the roar of cannon and in the horrors of war.

But there are one or two other still more interesting questions arising out of the late intelligence. What will be the conduct of Great Britain in consequence of this queer sort of ex post facto repeal of the French Decrees; this declaration, that they *have been repealed* during the last year, when they have been much more *effectually enforced than at first?* Will she consider this repeal; coupled as it is with the declaration every moment falsified by the

fact, thatthey have *been so* repealed for thirteen months back) will she consider such a nominal repeal, which amounts to nothing more than the previous declaration of the emperor as coming within the pledge she has made to repeal her orders? Can this be called a *practical* repeal in 1811, when the ships burnt by Feretier are *still smoking?*

If she should so consider it, and should repeal her orders in council, will it change the measures of our government? Will it give *us peace?* or will our administration still insist on other claims and resist any offers of accommodation?

These are important questions—they are in the lips of every man, and it may not be considered impertinent to say a word or two upon each of them. This may serve to shew that the question of the orders in council has not lost all its interest, even if they should be repealed. Besides they may be revived again in case we should dare to make peace without the consent of France, for France would in that case revive her decrees with more rigor, and Great Britain would probably again retaliate on her enemy.

In the first place then, if Great Britain should repeal her orders upon this nominal, ex post facto declaration of France, it would be a proof of her strict attention to her promises. It must be recollected, that this measure, should it take place, will only be the result of her own sense and justice, and her regard to her engagements, and not the effect of our hostile measures which could not have been known in Great Britain.

It will be a signal proof of *her desire to preserve peace* with this Country, and of her disposition to restore freedom of trade to an enslaved, and humiliated world—But she *may* not think that a decree of France of so extraordinary a nature, so retrospective in its operation, and which assigns on the *face* of it, a reason so insulting to her and to us; that is, that America had resisted her retaliating orders, and for that proof of loyalty was entitled to indulgence, sufficient to warrant the repeal of the orders in council. If she should hesitate upon this ground, what would our administration say? If the friends of the Prince Regent now restored to power, if the very men who have opposed the orders in Council, and whose speeches have been republished here with so much praise by the

friends of our administration, should see through the thin veil with which this transactiou is covered, if they should say, " that although opposed to the orders in council yet when we see it avowed on the *face of the repeal* of the French decrees, that they are repealed merely because America *resisted* our orders in council, our honour forbids our acquiessing in such signal injustice," what would our administration say ? What ought all honest men to say ? Ought they not to say this is a shameful intrigue with France and does not in the smallest degree vary the merits of the original question, as to the decrees of France and orders of Britain ?

But suppose a ministry not pledged to support the orders in council, but avowedly opposed to them, should, as it is possible they may overlook the insulting reasons assigned by France for the late, the very late repeal of her decrees, should bona fide and absolutely rescind the orders in council. Would our cabinet instantly propose or assent to peace ? It could not be said that war is *now* undertaken, and we must in honour contend for our other smaller pretensions, because in the supposed case, Britain will have withdrawn her orders before she *knew* of the war.

Shall we then continue at war to maintain our doctrine as to impressments, and to force Britain to give up her system of partial blockades ? If we do, then it will be manifest, that we go to war for points which Mr. Madison himself in his arrangement with Mr. Erskine did not include, and which he thereby declared he thought were not violations of our neutral rights. In short, then it will be manifest, that the war is undertaken not for *our* interests, but for those of France.

AN

INQUIRY, &c.

I HAVE been in my early days honored by my fellow citizens with the office of a representative in the legislature of my native State, a State dear to me by early associations, by having been the place of my nativity, by containing the ashes of my revered ancestors through six successive generations, by possessing within its bosom all the fruits of my own and their industry, and upon the prosperity of which State my children, yet in their infancy, depend for their hopes of future success. These solemn considerations have created an attachment to it, which neither the frowns of men in power, nor the temporary, and I hope remediable misfortunes, into which our rulers are about to plunge it, can essentially weaken or impair. The oath administered to me in my capacity of a legislator, was, "that the State of Massachusetts, is and of right ought to be, a free, sovereign, and independent State"—and this solemn oath, taken before an assembled people, and in the presence of the Supreme Being, I consider a sacred pledge that I will defend, uphold, and maintain the rights and interests of this State against all *hostile attempts* whatsoever. To me, it is a matter of indifference, whether the attack upon these rights proceeds directly and openly from the great usurper and common enemy of all civilized States, or whether the same be made through the partiality or the mistakes of the men whom a majority of our citizens have unfortunately elevated to ill-deserved power.

It is my object in the following remarks to shew, that whether the influence of France, directly or indirectly applied, or whether the mistaken policy of our administration, without such influence, has occasioned our difficulties, the measures lately adopted by a small majority of our national rulers are not only without reasonable justification, and destructive of our best interests and dearest rights, but are a misapplication of the powers entrusted to them; and therefore it belongs to us, the people, to decide whether such measures deserve our approbation and support, or whether they will justify us in a temperate but firm and decided opposition—Whether, in short, the evils, which are certain and inevitable from a support of the present policy, are not infinitely greater in extent than any which we could possibly incur by a constitutional and resolute resistance. Let not the timid be alarmed at the outset, by the idea of open resistance, of insurrection, of unjustifiable opposition. I contemplate no such measures. I have in view only those constitutional principles which the usages of our ancestors, both in Great-Britain and in this country, and their successful example, have sanctioned. I ask only for the application of the principles of Mr. Locke, and for the imitation of the example of those great men who have gone before us, in cases of smaller pressure, and of less importance to the vital interests of their country.

Having made these general observations, I shall state the particular order of my remarks, which will be,

First, a candid examination of Mr. Madison's manifesto to Congress, which impelled that body reluctantly to the declaration of an *offensive* war against Great Britain.

Under this head, I shall consider the various allegations of Mr. Madison against Great-Britain, and I shall shew, that the charges are greatly exaggerated, and that they might *all of them, without exception*, have been healed and adjusted, if the administration of our country had been disposed so to do—that these causes of complaint have not only been suffered to fester and spread, but that they have been irritated in complaisance or at least in conformity with the expectations and wishes of France.

Secondly, I shall consider the expediency of the war, both upon the supposition of its being successful and unsuccessful.

Thirdly, I shall contend, that if the administration have contemplated a war against Great-Britain for several months past, (and no new cause of irritation exists against her which has not existed for five years,) it was their solemn duty to have made preparations for it, by providing an adequate marine force in order to protect our commerce now exposed without relief to the depredations of our powerful enemy—by permitting the return, and facilitating by every means the restoration to our country of all the property of our citizens abroad—by warning the merchants of the intentions of the government, and thus preventing the enormous sacrifices which will inevitably be made in consequence of their ignorance of such secret hostile intentions and purposes.

Fourthly, I shall shew that in a war, offensively and unjustly undertaken, the subject is not only not bound to engage, but that it is *his duty* to abstain from taking a part in it.

Lastly, I shall point out the legal and constitutional remedy to which the citizens may and *ought* to resort in this calamitous case of misconduct in a *small* majority of their rulers.

When I first read the manifesto of the President against Great-Britain, I confess that it was difficult for me to decide which feeling was most predominant in my mind, mortification or indignation. Mortification, that our nation should be disgraced in the eyes of the whole world and of posterity by such a tissue of exaggerations—and indignation, that artifices of this sort should be resorted to in order to deceive and irritate the people, and to drive them into a ruinous war of an offensive nature, and (what is still more to be feared) into an alliance with France, which is more dreadful than a century of war. I was astonished at Mr. Madison's boldness and his contempt of the understandings and information of the people, in thus daring to make a discolored and extravagant representation of events and circumstances which have so recently passed under

the eyes of the whole nation. I was indeed prepared to expect almost any thing from this author of the crusade against England—his proclamation, declaring to the people that the French Berlin and Milan Decrees were revoked on the 1st of November, 1810, when he knew that France had never even *promised to revoke them* until we should "cause our rights to be respected," that is, as Mr. Madison has since construed it, *declare war against Great-Britain*, had opened my eyes in some measure as to his character—I had lost much of my respect for his political veracity, and of my confidence in his public assertions—His message with respect to the pretended discovery of Henry confirmed my suspicions.

Instead of honorably acquitting the citizens of Boston, as he ought to have done, of any participation in Henry's views or designs, he boldly asserts, that "Henry *was employed in intrigues* with disaffected citizens in the United States, having for their object a subversion of our Government, and a dismemberment of the Union."

Now *he well knew* at the time he penned that sentence, (and he has since repeated the same sentence in the manifesto) that Henry expressly declared that he never *opened the* subject of his mission *to any citizen of the United States.*

A man capable of so insidious and unfounded an aspersion on the citizens of *his own* country, on men who will not yield to him in patriotism or spirit, might well be expected to be *little scrupulous* about the terms he might use towards a foreign nation, especially when those terms of reproach fall in with the passions of the ignorant part of his supporters, whom it has been the business of their leaders to inflame and to deceive.

The partiality displayed in this manifesto—the black and bloody representation which is therein made of the conduct of Great-Britain, precisely adapted to gratify the malice of her deadly enemy and the enemy of all free states—and the brief, mild, and apologetic style with respect to the wrongs of *France*, bring to my recollection many events in the history of Mr. Madison's public conduct, which combine to produce a strong apprehension in

my mind that he habitually inclines to the views and interests of France more than becomes the magistrate of a free and independent state. I shall hereafter shew, that *his last* act of plunging us into the present war, is altogether for the benefit of *France* in *fact*, though it may not be in *intention*—that *we* can in no *possible event* be gainers by it, but that it is a sacrifice of our commerce, our agriculture, our money, and our lives, for no other good than to make a diversion of the British forces *favorable* to *France*, (and perhaps some men look *farther*, to the subjugation of their own country) and in that light it ought to be considered one of the most alarming attempts ever yet made against whatever little there is left of liberty, virtue, and religion in the world.

If I succeed in shewing this, if I satisfy every reasonable man that this *war of Mr. Madison* is in effect a *French* war, and not an *American* one, that it is undertaken for *French* interests, and in conformity with repeated *French* orders, and at the sacrifice of our *own* best interests, and probably of our liberties, we shall have no very great difficulty in condemning it. I shall state nothing but what I have learned from unquestionable authority, nothing which I cannot support by indisputable proof.

Mr. Madison early in life became a member of the revolutionary Congress. That body was then divided into two parties—the *French* party, of which Mr. Madison was a leading man, who were in favor of bending all the efforts and energies of the country to promote the views of the French cabinet, views which the French government in 1793 declared to have been "the fruit of a *base speculation*, and that our glory at that time offended the ambitious designs of France." The other party was truly *American*, seeking only the establishment of our national independence and prosperity; at the head of this American party were the members from New-England. Mr. Madison was one of the party who proposed and carried the instructions to our ministers abroad not to make any peace without the consent and concurrence of France. He was also one of those who opposed the treaty of peace made by Mr. Jay and Mr. Adams, and who, in compli-

ance with the wishes of France, attempted a censure upon those ministers for having dared to negociate a most advantageous and honorable treaty without the concurrence or consent of the French cabinet. Such were Mr. Madison's early predilections; such was the promise which he presented of his future policy. After the establishment of the present constitution, Mr. Madison again came into the councils of our nation. We there again find him true to his first opinions, and resolutely bent to promote the measures which favored the views and interests of France. In 1794, he was one of those who strenuously opposed Gen. Washington's pacific mission to Great-Britain; he was in favor, *as he is now*, of direct hostility with that kingdom, in favor of the sequestration of British property, and opposed to every measure which could heal the breach between the two countries.

In the same year he brought forward his famous resolutions against Great-Britain, the whole scope and object of which were to make a warfare on British commerce, and to please the revolutionary rulers of France. They were in their character precisely like Bonaparte's continental system, and like the corresponding, cooperating measures of embargo and non-intercourse, so ineffectually yet so ruinously attempted by Mr. Jefferson and himself in later periods of our history. It was Mr. Madison who wrote the pamphlet against the author of "War in Disguise," in which he arraigned with great severity the British doctrine as to the colonial trade. Yet we have seen this same man, within three years after, apologize for the French decrees as merely *municipal* regulations, of which the United States, he says, have no right to complain, although these decrees cut up by the *roots* that very *colonial* trade, for which, while Great-Britain was concerned, he had been so strenuous and warm an advocate. This gentleman, so acrimonious against Great-Britain for modifying the manner in which we should carry the produce of French colonies to the parent country, who represented it as of vital importance to the United States—at a subsequent period when France not only saw fit to cut off all this carrying trade to her own country, but to *march her armies* into

Holland, Italy, Hamburg, Denmark, Prussia, Spain, and Portugal, for the purpose of destroying *our legitimate* trade with these *friendly* and *neutral* states, not only was pleased to acquiesce in this injustice, but has publicly defended the conduct of France, as a legitimate exercise of unquestionable sovereignty.

What? Shall a neutral state not only *feel indifferent* to the successive oppressions and conquests of all other states situated like herself, but shall she admit that the lawless victor has a right to interdict *her* own trade with those oppressed and neutral states? Shall she go farther, and condemn, as Mr. Madison has done, Great-Britain for prohibiting a trade with her *open enemy*, and yet apologize for France, who has by force of arms cut us off from the trade of *neutral* and *friendly* states who would, if left free, court and solicit our commerce with them?

Yet such is the picture of Mr. Madison's conduct in relation to the two belligerents, before he had the boldness to come out and declare himself on the side of France, before he dared to tell this people (as by his measures he has done) that their fortunes must be hereafter inseparably attached to those of Bonaparte, and that we must be tied to the chariot wheels of this conqueror in his triumphal entry into his capital.

I shall omit Mr. Madison's declaration to Mr. Randolph, that "France wants money and must have it," and a thousand other incidents of the same character tending to shew, that his opinions and his policy are too much connected with those of his new ally, Bonaparte.

I have said enough for those who are open to conviction, and those who are not will nevertheless be shaken when they come to the measures which he has lately adopted to produce a war with Great-Britain.

I now proceed to the consideration of his manifesto of war.

The first point in Mr. Madison's manifesto, and which forms the most prominent part of it, relates to the British doctrine and practice of taking their own seamen out of our merchant ships. He has collected under this head, all

the virulent remarks which the obscure writers of his party have used for many years past. Before I consider his assertions on this point, it may be useful to trace the history of this pretension and practice on the part of Great Britain.

All the nations of Europe maintain without any exception this doctrine, "that their subjects have no right to expatriate themselves, and that the nation has a right to the services of all its citizens, especially in time of war." This doctrine is not only maintained and enforced by all sovereign states, but it is explicitly laid down by writers on general law, as most unquestionable.

Grotius, Vattel, Puffendorf, and all other public writers, concur in maintaining this right. France has a special code on the subject, and every citizen is enrolled from the time he is capable of bearing arms, and is recalled by special proclamation, as soon as a war breaks out, from the service of foreign countries.

Denmark, on entering into the present war, issued a similar proclamation. There is no civilized country on the globe which does not claim the right to the service of all its citizens in time of war.

When the war broke out between Great-Britain and France, in 1793, a new case arose—a case unexampled in the history of nations. America, once a part of the British empire, speaking the same language, having the same habits, occupied in the same pursuits, remained at peace. The profits of neutrality enabled us to pay greater wages to our seamen than Britain could possibly afford. The British seamen who had never before been tempted to desert the standard of their country, because the language, habits, and usages of the continental nations were so diverse and disagreeable to them, flocked by thousands into the American mercantile service, and produced a serious and distressing injury to Great-Britain. It is the opinion of well-informed merchants, that thirty or forty thousand British seamen sought employment in American ships. Great-Britain found this evil intolerable, and she adopted the expedient of reclaiming her own seamen found in our merchant service; disclaiming, however, most explicitly, the right to take them from our public armed ships.

This practice she commenced under the administration of Washington, and has continued it from that day to the present. She has, however, always disclaimed the pretension of taking "*American*" seamen, and if the case has sometimes and unfrequently occurred, she has always expressed her regret, and has restored the men so taken, on due and proper proof of their citizenship.

The evil, however, has been of very limited extent, and the bona fide American citizens have been the least disposed to complain. The Northern States who employ for the most part native seamen have suffered very little, and I have known several merchants in extensive business who never had a seaman impressed from their ships during a twenty years war.

There is one fact of great importance to be considered before we enter into Mr. Madison's representations on this subject, and that is, that neither General Washington nor Mr. Adams thought this matter of sufficient importance to make it the subject of a special communication to Congress, much less did they think it reasonable cause of war. It is a well known fact also that Great Britain has been growing more and more cautious in the exercise of her right of reclaiming her seamen, and fewer instances of impressment have occurred within Mr. Madison's administration than before. Just before the war measure was resorted to, Mr. Foster, the British ambassador, requested our government to furnish him a list of impressed seamen calling themselves Americans, that he might procure their immediate release.

Now let us pause and consider this question in the abstract. A belligerent and neutral nation speak the same language, and have the same general character. The belligerent wants her citizens for the defence of her existence. The neutral wants them for profit—The neutral offers 30 dollars per month, and the belligerent can afford but 15—The belligerent loses 40,000 seamen, which the neutral harbors and employs.

The belligerent assumes the right to reclaim her own subjects, and so far as respects them she is right; she is supported by the law of nations, but in the exercise of this right instances of mistakes or misconduct will occur; ought

the neutral to complain unless she takes effectual measures to prevent the entry of the seamen of the belligerent into her service? Much less ought she to complain, if she entices by high rewards and countenances by fraudulent protections such seamen of the belligerent in deserting the standard of their country.

Yet such is the fact, well known to every man on the sea coast—Maryland, North Carolina, South Carolina, Georgia, employ three foreign seamen to one American! Yet these are the men from whom our complaints proceed!

Nor is this all—our government give occasion to the very complaint of which they make so much parade. It is a fact, acknowledged by our marine officers, that a large proportion of the seamen in some of our national ships are native British seamen, and it is even asserted that many of the warrant officers are of that description.

Can a government, which at least does not check such abuses, such an attack on the resources of a belligerent, such an important inroad on his rights, legitimately complain of his occasional abuse of the undoubted power of reclaiming his own citizens?

Much less can such men fairly hold a moral and pathetic discourse on the cruelty of compelling men to fight against their brethren, when they know that British subjects are first seduced from their allegiance, and then compelled to turn their arms against their sovereign and fellow subjects?

Yet such is the fact—Vast numbers of British seamen will be now ordered out by the President to slaughter the subjects of their own sovereign, and if captured will be liable to be hung as traitors to their king and country.*

Mr. Madison in his manifesto in favor of war, says, that the British government have assumed a jurisdiction on the high seas instead of a resort to the *responsible sovereign*, which he would have us believe would have been effectual. But have not the British government repeatedly complained to ours of the abuses which have existed as to the enticement and enlistment of their seamen, and has the *re-*

* In New-York, an Englishman on board our frigate Essex was tarred and feathered because he would not violate his oath of allegiance.

sponsible sovereign, the United States, ever afforded them an adequate remedy? Have our laws interdicted the employment of British seamen, or have they thrown any obstacles in the way of that system of seduction of British sailors which has been so injurious to their marine? We know that they have not.

The President, living in a slave State, proceeds to compare this case to that of property seized on the high seas, and to intimate that the seamen ought to be carried in for *adjudication* like *other property*, instead of being subjected to the decision of military officers; but we would ask, would this alleviate the burden? would it be more profitable to our merchants and convenient to seamen to be carried into a British port in order to exhibit the proofs of their citizenship, because perhaps there might be one or two British seamen on board, rather than to have such seamen taken out at sea on account of their unquestionable character, or because they were destitute of protections?

Much is said by Mr. Madison of the severities of the British discipline, and of the hardships of our seamen being compelled to serve in distant climes and to be the melancholy instruments of taking away the lives of their fellow citizens. This is very pretty rhetoric; but still it is well known, that great numbers of our citizens voluntarily enter into the British marine service, and not unfrequently augment the mass of those who complain of having been forced into British employ.

But says Mr. Madison, against this "crying enormity "the United States have exhausted in vain remonstrances "and expostulations, and they have offered to enter into "arrangements, which could not be rejected if the recovery "of *British* subjects were the *sole* and *real* object—But "the communication passed without effect."

This sentence, if it has any meaning, was intended to convey to the people the idea that Britain, besides the reclaiming of her *own seamen*, had an ulterior and further object which can be no other than strengthening her marine by the impressment of our seamen.—Now there never was a more unfounded suggestion, and Mr. Madison had in his possession the documents to satisfy him of it.

The whole number of sailors pretended to have been impressed from our ships for fifteen years past was 6258, out of 70,000, and of which all but 1500 have been restored. Of this remainder, at least, one half are probably British seamen, and of the residue it is probable that at least another moiety *entered voluntarily*. It appears however from the returns that not more than 1500 seamen, including British subjects with fraudulent American protections, were at any one moment in British employ.

The whole number of British seamen in their marine, or *public ships only*, is 150,000, and in their merchant ships, over whom they have a perfect control, 240,000. Is it probable, we ask, that for the sake of gaining 1500 seamen, they would hazard the peace of their country? It must then be that the reason why they insist upon this right is, that they would wish to check the disposition of their *own* seamen to enter into our service, of whom, it is admitted on all hands, we have at least from 30 to 50,000.

But, says Mr. Madison, our proposition to arrange this affair on reasonable terms passed without notice.

This is a most unfounded assertion—It is a fact that both during the embassy of Mr. King and of Mr. Monroe, the British government manifested a disposition to arrange this dispute in a manner satisfactory to both countries.

And Mr. Monroe explicitly states, that Lords Holland and Auckland had proposed to him the basis of an arrangement which they were ready to make on that subject, and which he believed would be satisfactory to the two countries.

On this point then, Mr. Madison's representations are extremely unfair and unreasonable.

Such is the true and well known picture of the question of impressment, which Mr. Madison presents in the fore ground, as if it was of primary importance and the principal cause of the late *declaration* of war.

Yet this evil, such as it is, is of seventeen years duration, and was much more extensive in its actual operation when the illustrious Washington signed and ratified Mr. Jay's treaty than it is now.

We do not however mean to leave the question here—If the war is undertaken on this ground, it must be for the relief of the *American seamen.* Three fourths of them are citizens of New-England and New-York. Yet we find that the people of these states are the most averse to the war, the least clamorous on the subject of these impressments—This ought at least to create our surprise, and this astonishment will be heightened when we know that all this sensibility proceeds from men who perhaps never saw a seaman, whose States furnish *none*, who have done every thing in their power, by embargo and non-intercourse, to impoverish those very seamen for whom they profess so tender a concern.

Lastly, this prominent cause of war strikes us with the greater astonishment, inasmuch as we know that its first, its certain, its inevitable effects will be to drive out of the country three quarters of all our native seamen, to compel them to enter into the service of our enemy, and to fight in those very ships, and against those very brethren, and to incur those same calamities which Mr. Madison with apparent distress pretends to deplore.

It is indeed an extraordinary spectacle to find so disinterested a concern for commercial and nautical men *on the lips*, I will not say in the *hearts*, of our rulers, and at the same time so universal a detestation, so cordial an execration of these kind, affectionate and sympathetic measures in the breasts of those who alone are pretended to be the objects of this kindness.

For my own part, I consider it a mockery of the sufferings of the merchants and the sailors, for the known and avowed enemies of commerce and of seafaring men, to wage an unnecessary and destructive war, a war ruinous to commerce and to navigation, under the pretence of supporting the commercial rights and of vindicating the wrongs of the merchants and sailors. The merchants and sailors however are not deceived by such pretensions—They know the deep hostility of the men who propose such steps to all commercial prosperity, and they consider these measures as resulting rather from an ill-judged contempt of their opinions and a disregard of their sufferings than from any sincere

disposition to afford them redress, a redress which they know and the administration well understand can never be obtained, but will be prevented by the declaration of war against Great Britain, a measure fatal to the eastern and navigating states.

I shall pass over *at present* the complaint of Mr. Madison of the practice of British ships of hovering on our coast, and the exaggerated picture which he gives of the evils which have resulted from that practice—I shall however resume that subject when I come to the point of the exclusion of British ships of war from our waters, at the same time that we gave protection to French cruizers, and permitted them to arm in our ports, and to make hostile excursions from our territory, not only against the British trade, but against our own defenceless commerce.

I rather prefer to discuss the principal point of dispute between the two nations, the obnoxious and much decried orders in council—the same course will be pursued on this point as was taken with respect to impressments—I shall first trace the history and ground of those orders before I consider the distorted picture which Mr. Madison and the committee of Congress give of them.

Firt then, let me remark, that in December 1807, when the orders in council were first known in this country, they were received by both parties without surprize or emotion. The natural sense of justice which all men felt, before their passions were enlisted against them, made every man acknowledge and in some degree acquiesce in the justice and propriety of that retaliation which Great Britain at a late day and with visible reluctance adopted.

Even the administration themselves in their early discussions with G. Britain on the subject had not got their cue, had not learned that it was to become so prolific a topic of complaint. The merchants soon accommodated themselves to this new state of things, and justly attributed to the anti-commercial and tyrannical principles of Bonaparte the partial and comparatively unimportant restrictions on their trade, and it may safely be affirmed and indeed proved from official documents, that if our administration had not entered into Bonaparte's continental system, if they had not

cooperated with him by permanent embargoes, non-intercourse, and non-importation, our trade would scarcely have felt any considerable check to its wonted prosperity.

It may especially be remarked, that the *federal party generally*, in the first instance, acknowledged the justice and indeed moderation of Great Britain in relation to her retaliatory orders, not only in her delaying to issue them for twelve months after she had given formal notice of her intention so to do in case her enemy should persevere in enforcing them, and we in submitting to them, but also in refraining from giving to them the enormous, unjust and unparallelled extent which France had given to her decrees.

The clamors of the partizans of France, the dread of popular resentment has to be sure made some few federalists *since* waver, and we have seen with no small surprize, that as in the case of the British treaty so unjustly condemned, some of our political friends have been treasuring up sources of future regret, and have been strengthening, without intention, the hands of their opponents.

It is my design to consider this subject from its foundation, and if men are disposed to censure, let them at least read, and see if they can answer in their closets the arguments—Let them divest themselves of their national prejudices and view this question as some future Grotius, Puffendorf or Bynkershoek would examine it.

I take it to be a conceded principle that belligerent rights are in their nature paramount to those of neutrals, precisely because the one is contending for his existence, the other merely for his convenience, his accommodation or his profit. A man who is drowning would be fully justified in seizing hold of the garment of another, although at the risk of soiling its beauty or disturbing its arrangement.

On what other principle is it, that a belligerent has a right to seize the property of a neutral going to a blockaded port? or to confiscate articles the actual property of a neutral, being contraband of war, going to the relief of an enemy? The right of the neutral is here undoubted—It was a perfect right in time of peace, yet by the universal consent of nations this right is surrendered to the superior claims and

necessities of belligerents. Before the invention of cannon it could not have been unlawful to have carried an iron tube, yet since that has been converted into an instrument of warfare it has become a violation of belligerent rights.

It must then be conceded, that if a state of things should arrive or happen in which the trade of a neutral with one belligerent should be absolutely incompatible with the prosecution of the war on the part of the other belligerent, he would have as much right to interdict it as to prohibit relief to a besieged place, and if the case could be conceived that the interdiction of such neutral trade would be a *more* effectual means of reducing an enemy than the *taking of a besieged place*, the right to prohibit such trade would be a still higher one than that of prohibiting the entry into a blockaded or besieged fortress.

Another point is equally clear, that it is the duty of a neutral to treat both belligerents with equal favor, and even if, through weakness, he suffers one to take an advantage of him to the injury of the other, however hard the doctrine, it is nevertheless true, that the other has a perfect right to take the same liberty if it be necessary to his security.

Thus for example, if one belligerent should be suffered by the United States to seize and fortify Castle William, in the harbor of Boston, and should make it a rendezvous from which to annoy his enemy, the other has a perfect right to seize Governor's Island, in order to counteract the efforts of his enemy.

To apply this doctrine to the orders in council—When Bonaparte issued his decree at Berlin, Denmark, Prussia, Hamburg and Holland, were at least nominally, and of right by treaty, free and independent States—we had a right to trade with them in British goods—we did in fact carry on a vast and profitable trade with them as we lawfully might; but Bonaparte marched forces into these countries who were our friends, and compelled them by arms to refuse us this trade. This was a wrong done to *us* in *two views* —First, because it was a general injury done to all free States, and by the law of nations we had a right to complain of it. Secondly, because it deprived us of a most valuable branch of trade, the very trade about which

we had before been quarrelling with Great-Britain—I mean the carrying trade. We had therefore a right to complain on our own account.

But, thirdly, it was a *serious* unjury to Great Britain—so *serious*, that Bonaparte boasts in his Senatus Consultum, of the 16th of March last, that it will finally destroy her.

In fact, it was both intended and avowed as a *hostile* measure aimed at her existence.

Great Britain called upon us to resist it—we had a right so to do, as I have shewn, because it was an injury to us—*she* had a right to require us so to do because it was an injury to her through our rights.

What said our cabinet? Why, it is a mere *municipal right*—it does not belong to us to resent it. France may do what she pleases on the *continent* if she lets us alone on the OCEAN.

Is this true? Is this the law of nations? Can France march armies into every neutral and peaceful State with whom we have commercial connections? Can she say to Spain and Portugal, you shall not take American flour, or cod-fish, or sugar, or coffee? Can she say this to Holland and Hamburg, or rather could she have done it before the ANNEXATION of them to France, when they were as much sovereign and more *independent* of her than WE ARE, and shall her enemy not be permitted to say, you shall not trade with France?

Is it an offence on the ocean to use force to forbid a neutral from trading with your ENEMY, and can you lawfully march *an army* into a foreign country and forbid a neutral from trading with his old friend who is NOT the enemy of the belligerent? I confess I cannot see a stronger case than this, of the right of Great Britain to retaliate her enemy's injustice on himself. Although all men admit the injustice and the tyrannical character of the French decrees of Berlin and Milan, yet the right of Great-Britain to retaliate this injustice upon her enemy, (if perchance it should affect the profits of neutral merchants) has been denied on various grounds, and as we are about to undertake a war in *support* of the *French* decrees, and in opposition to the British *retaliation of them*, it may be useful to consider these several objections to the claim of Great-Britain.

The first ground is, that France had not the power, did not possess the means of enforcing her decrees, that they were therefore to be considered a mere brutum fulmen, an empty threat, and could not for that reason afford a reasonable excuse to Great Britain for retaliating them, since *she* on the other hand could most effectually execute her countervailing orders.

The second ground is, that Britain set the *first* example by her order of May, 1806, and therefore was deprived of the plea of retaliation, and must be considered as the *first* aggressor.

The third is, that the United States never did submit to the French decrees, though they did not resist them—that they were not obliged to resist them, if incompatible with higher interests of which they were the exclusive judges.

I believe that I have fairly stated all the objections to the British orders, and I shall proceed to give the plain answers of a New-England farmer to all these objections, premising however, that I discuss this question not for the purpose of defending Great Britain, but of disseminating correct notions of the dispute between England and France, with the latter of whom our government have chosen to take sides.

As to the first objection to the British orders, the inability of France to execute her decrees, and therefore their innocent character, I would observe, first, that this rule would be the most vague, uncertain, and therefore unjust measure of right. It would be to adopt a principle which is never admitted in any other case either of morals or legislation—To measure the criminality of a deed by the power of the party to execute it, would be most unjust, capricious, and liable to the greatest uncertainty. If France, from the superior force and vigilance of her enemy, has been enabled to burn, sink, and destroy only *fifty* of our ships who have committed the deadly sin of trading with her enemy, and if this degree of weakness renders the French decrees legitimate, or at least innocent, pray will any of the statesmen who condemn Great-Britain on this ground, give us the arithmetical rule by which we are to know when such

outrageous violations of national law become the fair subject of retaliation ?

Suppose, instead of the existing inequality as to naval power, France was able to keep a flying fleet of burning ships constantly on the ocean, and in place of *fifty*, she should burn *five hundred* ships a year for the enormous transgression of selling their surplus produce to the excommunicated English nation, would this vary the question of right ? In the *latter case*, it is obvious that neutrals would be deterred from supplying Great Britain, and she would most essentially suffer. But can her *rights* depend upon so loose and vague a criterion ? Do *any rights* repose upon so varying and shifting a foundation ?

Great Britain reasoned, as all men of prudence reason : "This is a novel and most enormous pretension—this is "no less than an avowed attempt to shut me out of the "pale of civilized nations. She adopted the prudent "maxim, Obsta principiis, oppose the first inroad on my "rights." And I would ask, where is the judicious and honest statesman, who will point out the precise mark at which she ought to have acted ? Ought she to have waited until the evil was brought home to her doors, until her deserted ports and ruined commerce would warn her that her case was without remedy ?

France, from the commencement and until the present time, has executed her decrees to the utmost extent of her power, and she at this moment boasts of their wisdom and efficacy in humbling and enfeebling her enemy, and still confides in their sufficiency to destroy him.

But this is only *one* answer, though I think a satisfactory one to this objection. Bonaparte had two distinct modes of enforcing his decrees ; one of them was limited by his naval power, the other had its *full* operation on the continent. If he had confined his decrees to his own territory, still Great Britain would have had a right to complain and to retaliate. Nations have an undoubted right to stipulate the terms upon which foreigners shall visit their country ; but if, under color of this right, they should make an entire revolution in the code of *international* law, if in place of those prudent maxims of general policy which nations

sometimes adopt, they should substitute a novel and monstrous system, injurious to all free commerce, should throw us back to the measures of dark and uncivilized ages, *with the avowed purpose of destroying their enemy*, not only that enemy and all civilized states have a right to complain, but are bound to resist.

Bonaparte did this—he declared, not simply that he would not suffer British goods to enter his country, but that any neutral ship, which should in any former voyage subsequent to his decree have been concerned in trading with Great Britain, should be denationalized, and for that cause should be confiscated if ever she should enter his ports. Is this a mere *municipal regulation?* Suppose Great Britain had submitted to it—in ten years her trade would have been destroyed, or at least materially affected.

This principle, more dreadful than the Popish doctrine of excommunication, has been likened to the navigation acts of Great Britain, acts which simply limit the importation of British products to British bottoms; but you may search the history of Algiers, Morocco and Tunis in vain for any example of the extended tyranny and profligacy of the decrees of France.

Put then their operation on the ocean out of the question, take them as they *now* are admitted to be enforced, even by Mr. Madison, they are the most enormous violation of all neutral rights, and the greatest invasion on the principles of modern civilized nations which the world has ever seen.

Yet this operation of the decrees has been justified by Mr. Madison, though it is tenfold more injurious to us than all their *possible effect* on the ocean.

But Great Britain, as well as America, had a still further right to complain of these decrees, and they have been most dreadfully enforced by the arms and influence of France, in Holland, Italy, Spain, Portugal, Prussia and Denmark. The captures in Denmark alone are more than five times as great in amount as all the captures under the British orders in council in the first four years of their operation. Would Denmark have issued an order for the capture of American ships laden with the produce of British

Islands, without the instigation of France? We know she would not. There is an end then to the argument that France *could not enforce* her decrees, because she *has done it* in a most extensive and calamitous degree, and as we have before remarked, we cannot see that a robbery done upon the land in *neutral* states, is in any respect less a robbery or less atrocious, than if committed upon the ocean, which is a neutral highway for all nations.

We now proceed to the second reason alleged, why Great Britain could not lawfully retaliate the injustice of France, and that is, that she by her blockade of May, 1806, became the *first aggressor*, and therefore is precluded from setting up the plea of retaliation.

This is the argument which assumes such a rhetorical and flourishing figure in the report of the committee on our foreign relations. This pretence may do very well for weak minds, and it is only fitted for such. Those of us who have memories and some knowledge of facts cannot be deceived by it. It is perhaps one of the most affrontive arguments that was ever thrown in the face of an intelligent people.

In the first place, we would observe, that the idea of the blockade of May, 1806, being a violation of our rights or an infringement of the law of nations, never made its appearance within *our* hemisphere, until July, 1810, more than four years after the said obnoxious order had been in full operation. Now it must have been a singular sort of invasion of our rights, which neither the fault-finding cabinet of France, nor the still more jealous and irritable council at Washington had for four years been able to discover. Yet such is the *fact*. I have formerly perused all the correspondence between our government and that of Great-Britain, and I do not recollect that this blockade ever formed a part of our complaints.

2dly, I distinctly recollect that when Mr. J. Q. Adams thought it necessary to defend the administration and to attack the orders in council, he did not dare trust himself on the modern plea of the British aggression of May, 1806, but he more prudently went backward, and rested the defence of France on the British *adjudications in the war of*

1756. There were among us *some*, who thought that he might as well have urged the invasion of France by Edward the Black Prince.

3dly. But what ought to set this question forever at rest and to crimson the faces of our administration and committees, whenever they bring forward this argument, is this, that Mr. Monroe, our minister then resident at St. James's, communicated this order with great satisfaction to our government, and expressed his conviction that it was a favorable measure, and indicative of the disposition of the British cabinet to conciliate this country.

In truth it was the measure of Mr. Fox, and was intended to give a proof to America of his disposition to reconcile, if possible, the commercial interests of America with the principles absolutely essential to the British power and existence. It is an order very singularly expressed, but it was *understood* and *intended* and *executed* in such a manner as to leave open all our trade with France and Holland, except such as the admitted principles of the law of nations forbade.

Lastly, with due submission to the honorable committee of Congress, I will venture to assert, from positive knowledge, that this blockade was as vigorously enforced, and as fully supported by actual investment, as the law of nations recognised by ourselves requires.

This, if it be true, (and every captain who entered the channel knows it was so,) (the President's assertion to the contrary notwithstanding,) *puts an end* to the whole question. For Great Britain admits that if the blockade was not actual, it was illegal, but she contends it was *actual*, and the premiums at our insurance offices against vessels violating that blockade will prove that it was strictly within the modern definition, that is to say, that the "entry into the ports so blockaded was imminently dangerous."

I have one more remark to make on this subject of the order of May, 1806, and then I shall quit it. I believe the remark is new, at least I may claim the merit (if there is any) of being its author, and that is, that the *idea of the blockade of May*, 1806, having been a justifiable cause of the *French* decrees was for the first time suggested by our

government through General Armstrong to France, in 1809. That cunning cabinet instantly seized the pretext, and from that moment, and *never before*, have pretended to justify their decrees on the order of May, 1806.

We shall shew hereafter *why* our government suggested this excuse to France, when we come to the proof that in all the proposals of accommodation made to Great Britain certain conditions have been invariably annexed, which our cabinet had previously ascertained would be rejected and ought to be rejected by Great Britain. It would be improper to anticipate this part of the subject which deserves a separate consideration.

The last reason against the orders in council which I have heard urged is, that we did *not submit to* the Berlin and Milan decrees. Those decrees interdicted our trade with England, yet in despite of France we still traded with her, and as to any other mode of resistance we had not the means, or if we had, we were at liberty to choose our own time and manner of doing it.

To this I answer, that as to the British trade, we pursued it only because it was profitable, and not for the purpose of proving to France that we despised or opposed her decrees. So far were we from despising those decrees, it is a humiliating truth that France has unremittingly inflicted upon us the severest punishment for trading at all with Great-Britain, although we had narrowed that trade by our own laws in a manner that cooperated essentially with the designs of the French government. She did this by *arms*, by the law of strength—we had adequate peaceable means of redress, or at least such as we have thought powerful against Great-Britain—we neglected to use them. If Great-Britain, notwithstanding this acquiescence, had no right to retaliate on France, because we might be incidentally though not intentionally injured, then it will follow that neutrals hereafter may be as partial as they please, and that the most unjust belligerent may always wound or possibly ruin his enemy through the sides of the neutral.

I have now finished my general remarks on the subject of the orders in council, and shall proceed with my observations on Mr. Madison's manifesto.

Mr. Madison, not satisfied with calling the orders in council a complicated and transcendent piece of injustice and an *innovation*, without taking the slightest notice of the prior French decrees which occasioned them, proceeds to declare, "that they have been moulded and managed as "might best suit the political views of Great-Britain, her "*commercial jealousies*, or the avidity of British cruisers;" thus intimating that her commercial jealousy of *us*, and a desire to satisfy the cupidity of her naval men, were among the prominent motives for the modifications which the decrees have undergone.

This is illiberal and unfounded. The orders in council have undergone no modification whatever since their date, except that of April, 1809. It was as well known to Mr. Madison when he wrote this charge, as it is to all the *commercial world*, that the modification of April, 1809, so far from tending to restrain our trade, opened to us the Baltic, the German Ocean, the French and Dutch foreign possessions, Spain, Portugal, and part of Italy. Could Great-Britain have been actuated by commercial jealousy in this measure? Yet it is the only change which has taken place in the orders in council. The same remark may be made as to the desire to gratify the avidity of her cruisers. Was it the way to effect this purpose to limit and restrain the orders in council to one quarter part of their original extent? Hints have often been thrown out in Congress, and by the President in his manifesto, that plunder was the main object of the British orders, and it has even been insinuated that Great-Britain has drawn a part of her subsistence from her captures of American property.

This slander may do for the ignorant back-woods-men of Kentucky, more ferocious than their savage neighbors; but mercantile men all know, that the orders in council were scarcely executed in a single instance till within the past year; and in an official return to Congress, it appeared that the amount of captures by the British was not half equal to those either of France or Denmark. But, says Mr. Madison, and in this he is echoed by the committee of foreign relations, successive experiments were made to see if Great-Britain would repeal her orders in council,

by offering to place her adversary exclusively under the operation of our restrictive system; nay, he adds, encouragement was given to her "that a repeal of the orders in council would be followed by a *war* against France, unless she also should repeal her decrees."

Now as much of the merits of this question depend upon the fairness of these offers, and since if the government of the United States have bona fide made proposals of this nature which ought to have satisfied Great-Britain, we are wrong in charging them with partiality, it is important that we consider this question distinctly and accurately.

We understand the offers not only in a different but in a very opposite light. In the summer of 1809, the embargo was reluctantly withdrawn in consequence of the formidable and decided opposition of the Northern States. In its place was substituted the non-intercourse act, nominally against both belligerents, though effectually only against Great-Britain, in which it was provided, that in case either of them should repeal its obnoxious edicts, the President should abolish the restrictions as to the one so repealing them, and they should be in full operation as to the other. In communicating this measure to the two cabinets, the President saw fit to adopt a very different language to the one from that which he used to the other. To Great-Britain he authorized Mr. Pinkney to say, that in case Great-Britain should repeal her orders in council, it was PROBABLE the President would give effect to the powers vested in him by that act, which simply extended to a notification of the fact of repeal, and the law itself declared that the act should remain in force against France. But there was not the slightest intimation that in such an event the United States would declare war against France. There is one other circumstance worthy of notice in this communication to Great-Britain in 1808, and that is, that no notice was taken of the blockade of May, 1806, which has since made so conspicuous a figure in the list of our wrongs.

Yet it will be observed, that the President was not empowered to offer to withdraw the non-intercourse until Great-Britain should have repealed *all her decrees violating*

our neutral commerce ; but as Mr. *Jefferson* did not in 1808 demand the repeal of the blockade of May, 1806, the inference is irresistible, that he did not then consider it a violation of our neutral rights. The same inference may be drawn from Mr. *Madison*'s arrangement with Erskine, which did not include the blockade of May, 1806, although it ought to have included it if it was a violation of our neutral rights. So that we have the construction of two successive presidents, Jefferson and Madison, that the blockade of May, 1806, was not a violation of our neutral rights.

While Mr. Jefferson only held out to Great-Britain the prospect of a probability that he would give effect to the powers vested in him by the act against France, which only extended to the continuance of the non-intercourse, a measure perfectly useless to Great-Britain, since her fleets already made a much more effectual non-intercourse, he authorized Gen. Armstrong to assure France, in distinct and unequivocal terms, that if she should repeal her decrees, and Britain should refuse to rescind her orders, the United States would take *part in the war* on the side of France.

These are solemn truths, and on record in the department of state.

But the second negotiation on this subject, which took place in 1810, was still more extraordinary. Although the blockade of May, 1806, had quietly slept as we have shewn, absolutely approved of by Mr. Monroe, and censured by no one, not even by France ; although it did not make its appearance in the negotiation of 1808, nor in Erskine's arrangement in 1809 ; yet it was destined to make a *great and principal figure in* 1810. This must strike every person with astonishment, that a great and overwhelming wrong both to us and to France should have been forgotten and neglected by both for the space of four years. Yet this blockade was coupled with the orders in council, and with such other pretensions in 1810, that no settlement could be made with Great-Britain. I now proceed to the proof of these assertions.

From the time of the promulgation of the French decrees of Milan and Berlin, we can find no intimation on the part

of France either of her dissatisfaction with respect to the limited order of Great-Britain, of May, 1806, or of her determination to consider its repeal an indispensable condition of the repeal of her hostile decrees.

The first notice taken of it, as far as we can find, is in a letter from Gen. Armstrong to Mr. Smith, our Secretary of State, of January 28th, 1810, in which he details a conversation which he had held with Count Champagny, the French minister.

In that letter Mr. Armstrong refers to a letter of December 1st, 1809, from Mr. Smith to himself, *which has never been published*, in which he is directed to demand of France

"Whether, if Great-Britain revoked her blockades of a date anterior to the decree commonly called the Berlin decree, his majesty the emperor would consent to revoke that decree?"

To which the emperor, falling into the views of our government, and foreseeing the *snare* which would be laid for Great-Britain, inasmuch as, if she consented to repeal said orders, it would be an admission that she had been the aggressor upon neutral commerce, and further, that it would be an admission that she had no right to exert her *only force*, her *maritime power*, for the coercion of her enemy, replied,

"That the ONLY *condition* required for the revocation of the decree of Berlin, will be a previous revocation by Great-Britain of her blockades of France or parts of France, of a date anterior to the aforesaid decree."

So far the plot went on prosperously; and if Great-Britain had fallen into the project, it would have been made the pretext for preventing any future blockades of even single ports of France in which armaments for her destruction or the destruction of her commerce should be formed, and she would have relinquished to an enemy, whom she cannot attack upon the continent upon equal terms, the only weapons which God and her own valor had placed within her power.

Gen. Armstrong having so far succeeded, lost no time in transmitting to Mr. Pinkney this project, the failure of which was not only certain, but was probably calculated upon by both the high *intriguing* parties.

Mr. Pinkney on the 15th of February, 1810, demanded of Lord Wellesley, in pursuance of the same project, whether Great Britain considered any, and if any, what blockades of the French coast of a date anterior to the Berlin decree in force? He specified none in particular, except that of May, 1806. Indeed it appears by Lord Wellesley's note that no others existed.

Lord Wellesley replied, that the order of May, 1806, "was comprehended in the order of council of January, "1807, which was yet in force:" But did not intimate, nor was he ever asked, whether Great-Britain would repeal that order.

Mr. Pinkney, on the 7th of March, 1810, asked a further explanation on the subject, whether the order of May, 1806, was merged or sunk in that of January, 1807, and whether any other blockades of France, except that of May, 1806, still existed?

Lord Wellesley replied to this second inquiry of Mr. Pinkney, "That the order of May, 1806, had never been formally withdrawn, though it was comprehended under the more extensive orders of January, 1807." He declared, however, that *no other* blockade of the ports of France *existed* anterior to January, 1807.

As he had never been required to answer, he was silent on the question, whether the order of May, 1806, would be withdrawn.

Mr. Pinkney, though not perfectly satisfied with Lord Wellesley's answer, still deemed it sufficient if France was sincere, and accordingly wrote to Gen. Armstrong on the 6th of April, "That the inference from Lord Wellesley's statement is that the blockade of May, 1806, is *virtually at an end*, being merged and *comprehended* in an order of council issued after the date of the Berlin decree."

Such was Mr. Pinkney's construction of Lord Wellesley's letter; but this did not suit either the views of France, Gen. Armstrong, or of our cabinet. No cause of quarrel, no mode of renewing the commercial warfare against Great Britain resulted from such a natural and fair construction of Lord Wellesley's note. It was decided in the cabinet of Paris to compel Great Britain to make a *formal renun-*

ciation of her rights, and if she had consented to such an humiliation, the emperor reserved to himself, in the vague and inexplicit terms of his requisition, an ample latitude to demand still further humiliations. Accordingly Gen. Armstrong wrote to Mr. Smith with respect to Lord Wellesley's statement, on the 3d of May, that "he need scarcely observe how impossible it is to make *this* or any *similar statement* the ground work of a new demand for a repeal of the Berlin decree."

And it seems that in pursuance of this opinion he has abstained from that day to the present to inform *his* majesty of the construction put upon the orders of May, 1806, and January, 1807, by the British cabinet, which our other minister at London, Mr. Pinkney, thought and had communicated to him such an opinion amounted to a virtual repeal of the former.

Thus we see how faithfully our two ministers conducted this negotiation.

Gen. Armstrong informs Mr. Pinkney that if Great-Britain *will repeal* her orders anterior to the Berlin decree, that France will repeal her decrees.

Mr. Pinkney simply asks Lord Wellesley if those anterior *orders are still* in force. Nor did he ask whether Great-Britain would revoke them until long after the answer of Great-Britain to the first question, whether they were in force, had been transmitted to France.

When the answer of the British cabinet is such as leads Mr. Pinkney to think them *virtually at an end*, and when he communicates this result to Gen. Armstrong, *he* does not think it worthy of attention, nor sufficient to disturb the repose of his imperial majesty, by submitting the question to him!

It is now perceived, we presume, by every intelligent reader, that the way was perfectly prepared in concert for the extraordinary letter of the Duc de Cadore, in which a formal but illusory promise of a repeal of the Berlin and Milan decrees is tendered, provided Great-Britain will repeal her orders, and *renounce*, *not the blockade of May*, 1806, which she had declared was the only one in force, *not all anterior blockades* actually existing, but something further,

something inadmissible, that she shall renounce "her principles of blockade which she wishes to establish."

Terms which every man will perceive might be construed to amount to the surrender of *all* her maritime rights.

We conceive then that we have established our first proposition, that this demand upon Great Britain to renounce her principles of blockade proceeded from our cabinet—was a concerted scheme, and was not pressed as an *ultimatum until* it was well ascertained that it *would not* and *could not* be yielded.

Our second proposition rests on simpler, and if possible on still more conclusive grounds—upon *authority* which Mr. Madison will not deny, because it is *his own*.

We say, *2ndly*, That Mr. Madison when he demanded of Great Britain as a condition of issuing his proclamation that she should annul her decree of May, 1806, *knew* that he was not authorized to annex such a condition.

That he did *annex such a condition* is proved by a letter from our secretary of state, of July 5th, 1810, to Mr. Pinkney, in which he says, "You will accordingly let it be distinctly understood that it must *necessarily include* the anulment of the blockade of May, 1806."

Now the right of Mr. Madison to *include this demand* as an indispensable condition could only arise from the construction put by him on the act of Congress of May, 1810, which authorized him, in case "either of the belligerents should so far revoke or modify its decrees or edicts as that they ceased to violate the neutral commerce of the United States," to issue his proclamation stating that fact, and upon such proclamation, so made, the non-intercourse was to revive against the other belligerent, if he should fail to repeal "his edicts in like manner within three months."

It is not denied that the decrees or edicts which did violate our neutral commerce were undefined by the act. Mr. Madison, by his agent Mr. Gallatin, has incautiously admitted this uncertainty.—It is not denied that Mr. Madison, in the execution of this power, was the sole judge of the decrees to which it extended. It is a little unlucky, however, when the statute was so undefined as he now *complains*, that Mr. Madison should have extended it to

an old and harmless blockade of Great Britain, and should have passed over the Rambouillet and Bayonne decrees of France!

But our main question still returns—*did in fact* Mr. Madison believe that the act of May, 1810, extended to the British blockade of May, 1806, so as to have a right to say that the renunciation or repeal of Great Britain must *necessarily include that blockade?*

We say that he did *not believe it*, though he said it in a solemn manner, and we prove it thus :—

On the 1st day of March, 1809, Congress passed an act prohibiting intercourse both with Great Britain and France. That act provided however that, "in case either of the belligerents should so repeal or modify its edicts as that they should cease to violate the neutral commerce of the United States, the president should certify that fact by proclamation," and the trade should be open with such power.

It will be seen that the words are *verbatim et literatim* the same as in the act of May, 1810, which Mr. Madison has declared *necessarily included* the blockade of May, 1806. Yet on the 19th of April, 1809, three years nearly after the blockade of May, 1806, Mr. Madison made a convention with Mr. Erskine, the British minister, and thereupon issued his proclamation of that date, declaring that

"Whereas Great Britain had by its minister assured him that the Orders in Council of January and November, 1807, *(only)* will have been repealed, on the 10th day of June next, he certified *that fact*, and that the trade with Great Britain should after that day be free to the citizens of the United States."

Now as the words of both statutes are precisely the same, as his powers to make such a proclamation are wholly founded on the acts of Congress, as all the acts of Great Britain, now demanded to be repealed, existed prior to his proclamation of April, 1809, it follows, that he did not believe, at least in April, 1809, that the blockade of Great-Britain of May, 1806, was a "*violation of our neutral commerce*," because he did not demand its repeal.

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That there was a secret understanding between our cabinet and that of France, that Great Britain should be required to annul her blockades of a date anterior to the Berlin decree, and that this suggestion first came from our cabinet, will appear from the two following extracts of letters from our Secretary Smith to Mr. Pinkney, and one is dated July 5th, 1810, in which he says, "You will let it be distinctly understood that the repeal must *necessarily include* an annulment of the blockade of May, 1806—This is the explanation which *will be given* by our minister at Paris to the French government, *in case it shall* there be required." It seems it *had not then* BEEN required by France.

That this was a concerted thing, is apparent from another clause of the *same letter*, in which Mr. Smith says, that "should Great Britain not withdraw *all her previous partial* blockades, it is probable that France will draw Great Britain and the United States to issue on the legality of *such blockades*, (that is, all partial blockades,) by acceding to the act of Congress *on condition* that the *repeal of the* blockade *shall accompany* that of the orders in council."

Within one month after these despatches arrived in France, Bonaparte did bring us to issue with Great Britain on this *very point*, and yet Mr. Madison was *no prophet*, because it was *he* who first suggested the thought to Armstrong, and Armstrong to the ingenious Cabinet of St. Cloud.

In support of this assertion, I adduce the following extract of a letter from Gen. Armstrong to *our Secretary*, dated long before, viz. Jan. 23d, 1810. "In conformity to *your suggestions* in your letter of Dec. 1st, 1809, I demanded whether if Great Britain revoked her decrees of a date anterior to the Berlin decree, his Majesty would consent to revoke that decree."

It is much to be doubted whether France would have ever thought of such a condition had it not been thus suggested by our own Cabinet.

These then are Mr. Madison's proofs of his fair offers to Great Britain to induce her to repeal her orders in council. It appears that it was impossible for Great Britain to com-

ply with either of these offers without sacrificing her most important rights, and that our cabinet have studiously coupled with the obnoxious decrees such further demands as it was known Great Britain could not yield.

Before I quit the subject of the orders in council, I shall notice a popular objection to them, which is well calculated to rouse the jealousy of commercial men—and that is, that Great Britain relaxes them in favor of her own subjects, and enjoys that very trade from which she excludes neutrals. One might say generally that if the blockade was originally *lawful* as a retaliation on her enemy, no partial relaxation in *favor* of the *besieger*, and which she thinks will enable her longer to carry on the war, or sooner reduce the enemy, could render the blockade illegal as to neutrals—nor if the blockade was at first *unjust*, could this render it more so. One thing also *all men* will concede, that this partial relaxation does not proceed from a willingness to relieve France, but from a belief whether mistaken or not, that Britain has the *advantage* in the interchange.

Thus, she lets the French have small quantities of coffee and sugar which she does not want, and has taken in return flour which is necessary to her. Now if by this partial exchange she strengthens herself, and is enabled more effectually to cramp the commerce of her enemy, surely the blockade does not for that cause cease to be legal. Let us apply general admitted principles and known cases to this objection. Enemies when they find it convenient, *exchange prisoners*, and send back to each other the men necessay to carry on the war. Can a neutral complain of this, or insist from this relaxation for their mutual interests, that he has a right to supply them with men?

In the French war with Russia, under Paul first, they clothed and sent back a whole Russian army which they had taken, and that without exchange.

Could America have complained of this, and have insisted upon furnishing Russia with military clothing and men? Yet the principle is perfectly analogous.

Suppose Soult, who is besieging Cadiz was able to invest it by *sea* as well as *land*, and suppose he should propose to the Spaniards to supply them with water which the

city wants, provided they would furnish him with bread for the want of which his soldiers are famishing, could America complain of this, and insist upon her right to violate the blockade and to supply Cadiz with flour? Or suppose instead of flour, he should stipulate to receive back gold to pay his troops with, would this vary the question?

Certainly not—an hundred analogous cases may be put, but the general proposition and argument is unanswerable. If the belligerent had an original right to attempt to reduce an enemy by seige, or blockade, or by retaliating upon him a system of commercial distress, any partial relaxation in the rigour of the execution of such siege or retaliation to the benefit of such belligerent as he believes, and to the injury or humiliation of the enemy cannot affect the question of right. If therefore France, the haughty France, which threatens Britain with the destruction of her commerce, condescends to beg and to receive bales of British broadcloth to clothe her troops, this not only strengthens Britain and enables her to persevere in distressing her enemy, but it humbles that enemy in the sight of the world. Such are the ideas which this relaxation suggests.

I now proceed to consider my second proposition, the *expediency* of the proposed war, both upon the supposition of a successful and unsuccessful issue.

I need not spend time to shew, that the rulers of a free State, intrusted with temporary power for the public good, have no right to embark in a war even if it be just, unless there should be at least a *reasonable* prospect of attaining the object of the war by arms—unless the evils proposed to be redressed, will in all human probability be remedied by the war. Individual tyrants can, to be sure, though not lawfully, rush into war and plunge their subjects into the deepest distress, to gratify their ambition, or to satiate their revenge. But the wise rulers of a free people will never encounter *certain* evils for *doubtful* good, much less in a *desperate* cause.

Great Britain stands in a situation which may be called unexampled. Her marine power is greater than that of any other nation since we have any authentic histories o civilized society. Opposed to her is the gigantic domin-

ion of France, enjoyed and swayed by one of the most ambitious, daring, successful and unprincipled men whom the world has produced—a man, who has shewn that he neither respects the venerable institutions of religion, nor the faith of treaties, nor the established laws of civilized nations—a declared enemy to the ancient dynasties of monarchical states, as well as to the humble citizens of free republics—He has spared no people whom his arms could subdue, and there are none whom he has subdued that he has not reduced to the lowest stage of servitude and misery.

Against this monstrous power Great Britain by means of her marine force, has been *alone* enabled to make a successful stand, and it is immaterial to us, whether this opposition on her part proceeds from a general regard to the interests of all free and independent states, or whether she is influenced by her own interests or by her ambition—The effect upon us is the same, and we have only to ask ourselves whether we have most to apprehend from the absolute success of the arms of France, or from the *mere capacity* of Great Britain to *resist* the tyrant who *threatens* her with *destruction*—If the chances between these two combatants were equal—if it was as probable that Great Britain would subdue France, as that France will subdue Great Britain, then we should only have to ask ourselves which would be most likely to abuse their power, and we ought in that case to wish success to that nation which had manifested the greatest disposition to justice and moderation.

All men who value the protestant religion—all men who love freedom, and all impartial men acquainted with the moral character and political conduct of the two governments, must admit, that it would be safer for a free and protestant state to have the power in the hands of Great Britain than in that of France.—Britain is ruled by her citizens—she is essentially free, and no nation abhors more than she does the tyrannical principles which actuate the ruler of France.

Our interest then in the strongest case which could be

put would be in favor of the predominance of British power rather than that of France.

But the case I have put I may say is not only an improbable but humanly speaking an *impossible one*—While Bonaparte every day boasts both of his power and *intention* to humble, reduce and destroy Great Britain, while he says that "she will one day become as insignificant as Sardinia" the most *extravagant* Englishman never ventures to *hope* any thing *more* than the reduction of France to the power she possessed under the dynasty of the Bourbons—and this we may add is a more improbable supposition than even the extermination of Great Britain, distant as we ought to hope (notwithstanding she is our enemy) that event may be.

Let us suppose then that our arms united to those of France should be completely successful, (and it is to be presumed that our president undertakes this war with the *hope* and *expectation* of success,) suppose Great Britain humbled and compelled to yield up her maritime superiority, what security have we that France will exercise the advantage which she shall have gained by *our united* efforts and sacrifices with more moderation and justice, more regard to the laws and common interest of nations than Britain has done? Shall we find reasonable grounds for such a hope in her treatment of all neutral states to which her arms have extended? Shall we find it in her code of colonial law, in the restrictions which in all past ages and at the present moment she imposes on all commerce with her possessions? Shall we find it in the new practices which she has adopted of converting every captain of her fleet into an admiralty judge, and authorizing him to burn, sink and destroy upon a quarter deck trial and adjudication?

But suppose Britain humbled, and the fleets of France once triumphant on the ocean, have we any security that she will not enforce her pretentions to Nova Scotia and Canada, and Louisiana, and the Antilles, and South America and the Floridas? Many of them once the jewels of her crown, and all of them the avowed objects of her ambition?

If these countries are once subdued by her, what right have we to expect that she will not apply to them the principles which she has always maintained of excluding foreigners from a participation in their trade ?

What right have we to expect that she will favor or even permit our intercourse with any of the European states under her control ?

But above all, what right have we to hope that she will not look with a jealous eye on the only remaining republic ? That she will endure the example set to her own subjects by the citizens of this country who boast the right of governing themselves ?

Why should we expect to be exempt from the effects of her lawless ambition ? We, a nation hateful to her on account of our origin, our language, our manners, our free institutions, our religion ? Where is the bold statesman who will affirm that she will not undertake the conquest of this country, or who, considering her military power, and talents, and our own divided and feeble state will guarantee that she will fail in her attempts upon our liberties ?

I could press these considerations much farther, but the thought of them is too dreadful, and the danger in the event of the destruction of Great Britain too imminent to require any further developement.

But suppose instead of the *destruction* of Great Britain we should only succeed in imposing upon her a reluctant assent to our demands—Suppose we make a separate peace, and she should withdraw her orders in council, and should agree to give up the right of reclaiming her own subjects and the doctrine of blockade ? What would be our condition ? We should have expended perhaps 100 millions of dollars—We should have impoverished our merchants and mechanics, and farmers—We should have lost all the profits of our neutrality during the war, and in exchange for this we should have gained the trade to France—a trade subject to the vexations, the tributes and embarrassments, which a military sovereign despising commerce will always inflict.

But if the British maritime power should still be unbroken, as in this case I have supposed, what security should we

have, that as soon as she had recruited from our blows, she would not again resort to the same measures which she deems necessary to her existence?

So that we should have the satisfaction of having fought and ruined ourselves for a principle which was not worth the contest, and which, when yielded from necessity would be resumed as soon as the power of our enemy would permit.

I have already put what I consider the two most improbable cases. Let us now view our situation in case we should fail in our object—In order that we may judge of the probability of success, let us consider the nature of this contest. Great Britain except in Canada and Nova Scotia is as invulnerable to us as she is to France. Bonaparte at his accession to the throne of France declared to all Europe his fixed determination to restore the marine of France—He has had at his command the resources of sixty millions of people—He possesses above 100 ships of the line, 200 frigates and 100 smaller vessels of war—Yet he has made no sensible advances towards maintaining an equal contest with Great Britain—On the contrary his march may be said to be retrograde, and yet he has had twelve years of experiment in his project—Is it then probable, that seven millions of people scattered as the citizens of the United States are, and a great proportion of whom are averse and hostile to naval equipments, whose whole navy consists of some half a score of small ships, can bring any essential aid to France in this war against the British marine?

It is said however that we can distress her trade by our privateers—That some individual losses may be sustained by her subjects is not denied; but it will also not be denied that *our* losses and *her* gains from *us* will be more than an hundred times as great. Is this the way to reduce a great and powerful nation to our terms?

But it is said we shall take Canada and Nova Scotia—This perhaps may be effected with much bloodshed, and greater expenditure than the whole fee simple of those barren provinces would produce—Will this impoverish Great Britain? No—It will strengthen her—Those provinces are an annual charge upon her revenue—Will they strength-

en us ? No—They will enfeeble us—They will increase the jarring materials of which the United States are composed, and which are already too discordant for our peace or safety—They will open an easy entrance to French power and French intrigues—Already Frenchmen are admitted to a seat in our national councils, and the addition of Canada would only give to France the opportunity of attacking us on both flanks ; for it ought to be known that every Louisianian and Canadian is at heart as well as by habits a Frenchman.

But if *we* weaken Great Britain by assaults upon her provinces and commerce, has *she* no means of annoying us in as great and vital a degree ? Ask the underwriters. Ask the Nantucket owners of whalemen. Ask the merchants who have hazarded millions beyond the Cape of Good Hope. See the citizens of Nantucket fleeing from their habitations and sending the specie of their banks to Boston for safe keeping. Ask the fishermen of Marblehead how many fares they will get during the war. Above all, ask the inhabitants of the province of Maine what will become of their navigation and their lumber ?

No country ever rushed into a war so obviously and undeniably ruinous for the sake of maintaining *doubtful* principles of *small* value, and which were so little likely to be obtained by it.

But if we attack the provinces of Great Britain, have we any security that Great Britain will not annoy or annihilate our cities ? This would be a dreadful sort of warfare, (say some persons) to which Great Britain would not resort.

This is a strange sort of reasoning—We force her reluctantly into a war—We plunder her commerce—We wrest from her her peaceful provinces, but we expect that she will forbear from doing to us all the injury in her power. Her forbearance must then be much greater than her calumniators in this country have declared.

In a contest between two nations, the question, which will be the most likely to yield, depends upon the comparison of their opulence and population, their military force, their capacity to endure sufferings, their respective habitudes as to war, the amount of the relative losses which they

may respectively sustain, and the firmness and strength of their political institutions—Every man must admit this to be a fair view of the case. Now in each of these points Great Britain will have the advantage of us. Great Britain has twice our population and at least four times our opulence—She has fifty times our land force, and above one hundred times our naval force—She has a much greater capacity to endure sufferings and losses from the above causes—She has been inured to war for several centuries, and the addition of the United States to the number of her enemies will not produce so much effect upon her as did our embargo, which we found by experience was very small —In short we have been her enemy in *fact* and in *intention* ever since December, 1807, when Congress laid the embargo to distress her trade and to please France. As to the relative amount of losses which the two countries will sustain, we would ask whether the British trade, protected as it will be by strong convoys, can possibly suffer as much from our twenty ships of war and a few privateers, as we shall sustain in our ships without convoy, and exposed to six hundred ships of war of Great Britain ?

Lastly, can it be believed that a monarchical and aristocratical government like that of Great Britain will not be better able to stand the shock of another war, than the feeble, divided, changeable, and changing rulers of our nation ? a nation which goes to war with two thirds of all the representatives and senators of the Northern States against it. Even a British minister would not hazard a war (supported as he is by 600,000 men in arms) with a majority in the house of Lords of only six members. What madness then must it be deemed in our *government of opinion only*, to hazard an offensive and ruinous war by the same small majority ?

There are those however among the most ignorant of the people who derive some consolation, or rather found their hopes of success on the issue of our last contest with Great Britain. Such men make a wretched figure at estimating and comparing distant and dissimilar political events.

Great Britain was then the assailant—She transported her troops 3000 miles to conquer, not to defend. A nation

acting upon the defensive has an hundred fold (or perhaps even more than that) the advantage over the nation which invades especially from a great distance. The difficulty of supply to its forces, and their consequent limited operations, retard the progress of the invading power.

Our nation was in the former war not only united but enthusiastic—They fought *pro aris et focis*, for their lives and liberties. We are certainly not united in the prosecution of *this* war, and so far from enthusiasm in any description of people, the war is secretly condemned by the mass of one party, and openly execrated by the other. *We*, instead of defending our own soil, are *now* inflated with the ambition of conquest,—we are about to march to add new territories to our overgrown republic at both extremities of our country—we say to the North, and to the South, to provinces and to people who have never offended us, and who do not ask our aid, "Yield yourselves up as subjects to the victorious arms of America."

But we should recollect that the war of the revolution, so far as it affords us a precedent of our power when we turn ourselves into invaders, offers us no flattering prospect.—The invasion of Canada by Arnold and Montgomery, and the unfortunate expedition to Bigwaduce or Penobscot, do not redound to our honor in the pages of our history.

Upon the ocean how much less reason have we to compare the two cases together? France could then on that element scarcely be said to be inferior to Britain. D'Estaing often rode master of our coasts. Keppel was driven into port, and the *British* channel *(emphatically* so called at this day,) acknowledged for one moment France as its master. The combined naval forces of France, Spain and Holland in the latter years of the war were decidedly an overmatch for the British. Yet even with this *fearful difference* between her power then and now, we atchieved nothing against her commerce after the four first years of that war. Towards the close of the war she picked even the pinfeathers from the plumage of those who had rioted on the plunder of her commerce, and scarcely an American privateer or ship of war dared to display its flag upon the ocean.

We now take up the third point which I proposed to discuss, that if the administration had deliberately resolved upon war, it was their solemn duty to have made preparations to defend our commerce on the ocean, to have encouraged by every facility the restoration or return of the millions of the property of our citizens now in the British dominions and power, and also to have warned our citizens of their danger, instead of keeping their hostile purpose secret, and letting these measures fall with the rapidity of lightning upon our unprotected commerce.

If the purpose of the Government had been long fixed, and surely no new irritations on the part of Great Britain have taken place within the last year, they ought so to have managed their preparations for war as not only to have given ample notice to our merchants, but to have satisfied Great Britain, that they were resolved to resort to the last extremity, in order that it might have been seen what would be the effect of such a resolution on the councils of her Cabinet. So far was the conduct of Great Britain within the past year from authorizing our citizens to expect a resort to so dreadful a remedy on the part of our Government, that it led them to hope, that some expedient would be devised by our Cabinet to avert the calamities with which we were threatened, and the evils which we actually suffered. The nomination of a new minister to this country after the cold and affrontive dismission of Mr. Jackson, together with the satisfactory settlement of the affair of the Chesapeake, gave us reasonable ground to believe, that the Government could not contemplate an open, undisguised, sudden, and offensive war.

For what step could have been more calculated to lull our commercial friends into fatal security than the acceptance of the tendered atonement for the attack on the Chesapeake? What motive could there be for adjusting that affair if our cabinet then intended a resort to arms?

But there were still stronger reasons for believing that the Cabinet of this country would not rush into the embraces of France, and join her in her efforts against Great Britain. Within the past year, we had sent a new ambassador to Paris, and in lieu of an explicit abandonment of her de-

crees, in place of an immediate restoration of our property unjustly surprized by France, and which the President had declared must be an indispensable condition of our return to friendly relations with her, we had seen that France had anew promulgated her decrees as the fundamental laws of her empire,—that instead of restoring our property, our minister had declared that he had made no progress in obtaining redress upon that point, and that the prospect of success was both distant and doubtful.

On the other hand, France had recently given new and abundant proofs of her determination to annihilate all free and neutral commerce by the indiscriminate plunder and destruction of all our ships which she encountered on the high seas.

In this state of things it was impossible for any honest and honorable man to presume, that we should suddenly join France in her war against Great Britain. If however the Cabinet deemed it for our interest to enter into so unnatural a coalition, it was their solemn duty to have increased our marine so as to protect in some degree our trade on *our own coasts*.

Let it not be said in answer to this, that the attempt would have been fruitless, for the attempt is now made, and our feeble but gallant navy ordered out to guard our coasts or become victims to the superior force of the enemy.

Either then the defence of our coast and waters ought to have been avowedly abandoned, or more effectual measures should have been taken to render this defence of some avail.

The course adopted is only calculated to sacrifice, after a short time, the truly gallant officers of our little navy, and to afford a feeble and illusory protection to our commerce.

Our merchants in pursuance of their national rights and interests had purchased great quantities of British goods, and by the course of trade, and from the superior convenience and security arising from the good credit of the British merchants, had deposited immense sums in Great Britain. If it had been, which it now appears that it was, the determination of the cabinet to resort to offensive war, they ought most certainly to have repealed the restrictions on the importation of British goods, and to have

permitted our citizens to bring back their property in order to enable them to pay their taxes, and to support the burthen of the war. It is the first instance, we believe, in which a nation ever commenced a war by giving up to the enemy such an immense proportion of its own property and means of annoyance. If we were disposed to jealousy, we might say, that this has the appearance of playing into the hands of our enemy, of gratifying the desire of France to humble and reduce all free states, and sacrificing the commercial interests of this section of our country to the passions of the rash and unthinking representatives of the south.

Whatever may have been the motive, the effect has been most dreadful. The people of New-England generally had not the smallest apprehension of such a result.—They are wholly unprepared. When the embargo was imposed, they hurried away their property as they lawfully might in order to escape the vengeance of their own Government, and they entrusted it principally with the very nation which the cabinet tell us must be our enemy.

If war therefore had really been intended at the beginning of the session, which we are now assured that it was, the duty of a watchful and paternal government was, to have continued that embargo, and to have abstained from hostilities until the property thus sent into the very jaws of the proposed enemy, could have been restored to an impoverished country, which will hereafter need all its resources.

Fourthly, in a war offensive and unjust, the citizens are not only not obliged to take part, but by the laws of God, and of civil society, they are bound to abstain.

This may appear to some an abstract proposition, true perhaps in itself, but in practice of no moment, since the citizen can be compelled to take his share of the burdens of the war by the superior power of his sovereign. But in a free government like ours, it is no answer for rulers to say to the people, we have a military force, and we can and will compel you to do what we direct, be it lawful or unlawful. The citizen ought to know what the ruler can *rightfully* do; as to his remedy in case he should do wrong that I will endeavour to shew hereafter.

The importance of a few remarks on this question of *right* will be perceived from this consideration, that our privilege of discussion and of assembling to consider this interesting topic of war depends on the right of the citizen to judge in the last resort of the justice of the proposed war. If a government can lawfully plunge the people into an unjust, offensive war, and if they are as much bound to support such a war as a *just* and *defensive one*, then the discussion of its justice would be nugatory, and indeed injurious, and the government might very fairly suppress all examination into its merits.

But the law of nature and nations declares, that in a despotic or free government, the subject is not bound to obey the *unlawful* commands of his prince or rulers—So even at common law, a *slave* cannot excuse himself by the commands of his master for committing murder, robbery or any other crime. If Gen. Dearborn should for example by order of the president seize upon Gov. Strong and his honorable council, and attempt to transport them to Washington, they could have a habeas corpus, and question the legality of such an order, and if found illegal, Gen. Dearborn would be punished as certainly as if he had acted *without any orders*—These are analogous cases—We shall now cite the highest authority that we know of on the law of nations relative to the right of the subject to judge of the *lawfulness* of a war, and to *refuse his aid* in its support.

Grotius, book II. chap. xxvi. considers this question distinctly—He says, that "those who are in a more servile "condition, such as sons of a family, servants, subjects, "and each *particular citizen*, compared with the whole "body of the city whereof they are members, if they are "admitted to advise, or left to their own choice, whether they "will take up arms, or be quiet, ought to be guided by "the same rules which are already set down for those "who, being free, have power to make war for themselves "or others. But if *commanded* thereunto, as usually they "are, then if it be *evident to them* that the cause be *unjust*, "they ought altogether to *forbear*, for that *God* is rather "to be obeyed than *man*. To justify subjects for refusing "to execute the wicked commands of their princes, we

"have several examples in sacred story." "We conclude," he says, "that where the subject doth not only doubt the "lawfulness of the war, but is by very probable arguments "induced to believe it unjust, especially if that war be *offen-*"*sive* and not defensive, he is bound to abstain." Again he adds, in book III. chap. x. "That the ground of a war "being unjust (although it be *solemnly* undertaken as to the "manner,) yet are all those acts that are done in it unjust, so "that they that shall knowingly commit such acts, or assist "in the doing of them are included in the number of those "who, without repentance, cannot enter into the kingdom "of heaven."

We now shall consider, lastly, what are the peaceable and constitutional remedies in the hands of the people to put a stop to an unjust, offensive, and ruinous war. These remedies are of various sorts—they are such as belong and may be used by each individual separately, or they may be exercised by the people collectively—Individually, every man has a right to express his disapprobation, and (if he feels so strongly) his execration of the war, and of the causes which led to it, as well as his horror of the consequences with which it is pregnant—he may do this in conversation or in writing and print, he may circulate these opinions as widely and as extensively as may be in his power; he may encourage others to do the same, and may endeavour to gain as many proselytes to his opinion as he possibly can. He may point out to public censure and contempt the men from this state who deserted the interests of commerce and joined the standard of its enemies, without whose cooperation this deadly measure would never have been adopted. All these things he may do without being amenable to the laws, in all these things he is expressly protected by the constitution—there is but one limitation to this power—he must confine himself strictly to truth in stating his facts, but in his reasoning and inferences he may take what latitude he pleases. The individual has two other rights on this subject—he may assemble and associate with others to effect a peaceable repeal of the declaration of war, and for the purpose of procuring peace; and he may vote for such men as will in Congress refuse to aid in the further prosecution of this ruinous war.

I might add to this statement of the powers and rights of the individual, that when called into service contrary to the constitution and without legal authority, or when called to aid in executing any measures which are a violation of the rights and liberties of the subject, he may refuse to act—he has a constitutional *right* to judge, and if he takes care that he is correct in his conduct, he will be protected in his refusal by the *civil authority*.

The individual has also a right, and indeed it is laudable, to associate with others for the preservation of order and quiet, and to execute or assist in executing the laws. A city, town or county is disgraced which permits a lawless banditti, as lately at Baltimore, to triumph over the prostrate laws—It is the worst tyranny which can happen—In all other grievances you have redress against the aggressors, but in a mob it is almost impossible to discover and detect the culprits. There is no remedy but a preventive one, and there should be an association well prepared to assist the peace officers in suppressing and bringing to condign punishment all disturbers of the peace.

This is very important when the measures of government multiply the number of idlers, and tend to ruin the morals and habits of the people.—Such is commonly the effect of *all* wars—such will particularly be the case in ours, which is a a war not of action, but of suffering; not of glory, but of privation; not in our own cause, but in that of France.

The people collectively have a right to meet in their respective towns as bodies politic, then and there to express their opinions of the nature and tendency of the present war—to point out its destructive effects on themselves as well as the nation—to send, if need be, delegates to any county or state conventions which may be assembled for the same peaceable, orderly and constitutional purposes—They may instruct or advise their representatives and senators how to act in this trying emergency—especially they may, if they see fit, earnestly recommend to the senators of this state to concur either in a general ticket for the choice of electors of President, or in a choice of them by joint ballot. They must recollect that on the change of President depends the prospect of peace, and every man, let his

politics be what they may, who is attached to peace, must wish to displace the *man who alone is responsible for this war*—I mean Mr. Madison.

The people in their town meetings would do well to provide for the preservation of order. Privateersmen, recruits and beggars will swarm in our streets, idleness will beget crimes, and too early and too vigorous measures cannot be taken to prevent our reputation from being sullied, and our domestic enjoyment from being in jeopardy.

The Legislature of the State also may do much. They have already done a great deal towards the restoration of peace by the dissemination of the truth and of sound and correct opinions. It is their legitimate right to act in such times, and Mr. Madison himself in 1797 pointed them out as the constitutional organs to defend, protect and guard the rights and interests of the people in dangerous and trying times.

I have now finished my proposed plan, and it only remains that I suggest a few general thoughts and inferences which the subject, the reasoning already exhibited, and the awful situation of our country, naturally occasion.

If the facts above stated, and the arguments before urged, deserve any weight, and I feel a confidence that the people will think that they do, they suggest to the mind very painful reflections—they serve to shew either a mistaken policy, or an improper bias, and undue partiality in the *small majority* of our rulers who have plunged us into this calamitous war. There are some other detached facts tending to impair our confidence in them, and to shew a preconceived determination to enter into the war on the side of France, which could not properly have been introduced in the main body of my argument, but which deserve the most weighty consideration. When the treaty made by Mr. Jay with Great Britain expired by its own limitation, (a treaty ratified by Washington, and under which our commerce flourished in an unexampled degree,) a proposal was made to Mr. Monroe by Great Britain, to renew it at least during the existing war between Great Britain and France. This proposal was submitted to our Cabinet, who instructed their minister not to enter into any permanent arrange-

ment with Great Britain. The correspondence between the British minister and Mr. Monroe will shew this fact as well as the character and disposition of the two cabinets at *that* period—at a later moment our two envoys extraordinary concluded a formal treaty with the government of Great Britain extremely favorable to our commerce, and which Mr. Madison's two friends, Mr. Monroe and Mr. Pinkney, declared "to be satisfactory, and to embrace all the subjects which they were directed to include." This treaty the President rejected, not even daring to lay it before the Senate, lest they should advise him to ratify it. This measure was the more extraordinary, as both the negotiators retained the respect and confidence of administration, and are now members of the same Cabinet which rejected their own treaty.

Here was a *second* proof of the disposition of Great Britain to make a permanent settlement of differences with this country, and of our cabinet to avoid, and defeat such an arrangement. The third attempt to settle all differences was made by Mr. Jackson, who assured our cabinet that he was clothed with ample powers and instructions to settle every point of difference between the two countries, and offered to exchange his full credentials against similar ones to be given by our cabinet to any negotiator, on their part—As soon as this distinct proposition was made, fault was instantly found with some part of Mr. Jackson's language, but with *what particular passage* no two men in Congress, or out of it, are as yet agreed, and he was dismissed with as little ceremony and a disposition as hostile as that in which the declaration of war was made. Mr. Erskine made an offer of atonement for the affair of the Chesapeake, which was precisely in the same terms in which the satisfaction was accepted two years afterwards. Yet lest all dissentions should be buried between the two countries, an offensive clause was added to the letter of acceptance on our part, which so offended the British cabinet as to become one of the principal causes of the rejection of Erskine's arrangement.

Here then in five years we have four distinct and prominent facts leading all to the same point, to prove a disinclination to settle with Great Britain.

Now let us consider some facts which shew a disposition on the part of our cabinet to affront and injure her, and to please and gratify France. I shall say nothing of the President's proclamation, contrary to the law of nations, excluding British ships of war from our waters after the affair of the Chesapeake, *before* any application for remedy to the sovereign, who instantly disavowed the conduct of his officers and promised reparation—But I must notice the conduct of our cabinet after the Berlin and Milan decrees. Great Britain notified us in February, 1807, that she should retaliate those decrees, if, after due time, we should not resist them—This notice on her part was certainly frank and honorable. The administration contented themselves with replying that France had declared they did not extend to us. *This was not true*—Mons. Decres, the Minister of Marine, in the absence of Talleyrand, did, to be sure, say, that as the United States were specially *protected by treaty*, the decrees could not be intended to operate on them, but he *added expressly*, that he had no authority to make any explanation in the absence of the regular minister for foreign relations—In fact, the Emperor paid no regard to this explanation, but in July 1807, in the case of the Horizon declared "that as he had made no exception in the terms of his decrees, so he should make none in their execution."

In the same month, he caused to be seized in the NEUTRAL states of Tuscany, Naples, and Hamburg, immense amounts of American property under his Berlin decree—We took no measures for redress—we have taken no effectual ones for the restoration of that property to the present day.

To suffer millions of our property to go into the coffers of the enemy of Great-Britain without a struggle, and scarcely a complaint, was a wrong done to her—was as great a wrong as if we had loaned to France an equal sum, provided we had the means of redress, which we most certainly had, at least such as we afterwards deemed effectual, to wit, non-intercourse with her. But in another light, it was a still greater wrong done to Great-Britain, because these goods were seized on account of their having been of *British* growth; thus presenting the monstrous and

novel doctrine, so injurious to all neutral states, that one *neutral* shall not even trade with *another neutral* in the produce of the enemy of France.

Such was our boasted resistance to the French decrees!! But this was a *trifle*. Bonaparte, not content with this, told us through Gen. Armstrong and Mons. Turreau, in the course of the same summer, that he would have no neutrals. In the autumn of 1807, Dutch and French merchants wrote to their correspondents in this country that there would be an embargo in the United States in the ensuing winter. Gen. Armstrong, it is said, announced to several Americans that our government would lay an embargo—our dispatch ship arrived from France, and in three days an embargo was laid. That measure was in effect *war upon* Great Britain—it was avowed *as such* in Congress—it was justified as such by the friends of administration—it was said, that it would bring her to our feet in *four months:* yet the British orders were not known in this country when the embargo was adopted—Mr. Pickering, well known (and deservedly respected wherever he is known) the faithful, steady, able, resolute friend of your rights and interests, has declared in sundry public pieces, to which he has given his name, and has never been contradicted, that the British orders were not known in the Senate when the embargo passed—in fact, they were some time afterwards communicated by Mr. Jefferson "as a *further proof*" of the wisdom and prudence of the embargo.

We have only to inquire then, for whose benefit was the embargo imposed? and against *whom* was it aimed? We have shewn that the thought of it originated in France—we say, moreover, that Bonaparte, in three public state papers, approved of it, and praised us for laying it—we say that by his decree of Bayonne he undertook to enforce it—we add, that as soon as we dared to repeal it, he issued a decree confiscating all our ships and cargoes in France.

On the other hand, no man can have forgotten the keen letter of Mr. Canning, in which he declared, that the cabinet of Great-Britain perfectly understood that measure as intended exclusively against Great-Britain, and to further the views and projects of France. In short, no man who had

either ears or eyes, and who either heard the language, or read the speeches of our members of Congress, could doubt that the embargo was aimed exclusively against Great-Britain—and yet it was imposed, I beg the public to recollect, it was *imposed before* the British orders in council were known in this country, those orders which now figure in the fore ground of our picture of British wrongs.

Can any man read this statement, which is solemnly true, and not perceive that we have really been in league with France, and virtually at war with Britain for five years past? The only reason it was not before declared was because the people had not been wrought up to the proper degree of irritation. The war will be carried on upon the same principles as the commercial restriction system has been, *not* to procure a redress of *our grievances*, but to uphold the continental system of the emperor. For this purpose, the restriction on British goods will be kept on; and a bill is proposed in Congress to prohibit the exportation of our *own* produce except in American bottoms, or in vessels of nations *actually at war with Great-Britain.* Why this provision? American vessels cannot go without immense risk—why prohibit our exportation in *any neutral* vessels? or in any vessels of nations *not at war with us?* Pressed to the earth by our losses and our war-taxes, every vent for our productions must be very important. *But it must not be*—it is against the interest of France that you should supply Spain and Portugal whom she wishes to subdue—perish American commerce, so that French arms and French policy flourish and succeed. Well might Mr. Felix Grundy say, "France has somehow twisted a knot about our necks—we cannot untie it---we must cut it by the sword." But in lieu of cutting the *knot*, Mr. Grundy and his associates have very sagaciously cut off the *neck* itself!!!

I beseech all sober, serious, and patriotic men to ponder on these facts, this train of coincident circumstances, all of which are of public notoriety, and then say to what a dreadful conclusion they lead. Can they, after that, be surprised at the present war? There are men however, who say, that we ought not to analyze and weigh, and measure our com-

parative wrongs—that Britain has done us great injury—that the government are the exclusive judges, when the wrongs which we suffer demand reparation by the sword, and against whom the sword ought to be drawn, and they having decided this question, all good citizens ought not only to submit, but to support them with all their talents and fortunes. It is a war they say for *principle*, and for our *honor*, and we must not stop to calculate consequences. Even if we knew that we should fail, we ought to fight and fall valiantly. If one could perceive in the conduct of our government a real sensibility to the wrongs done to our country—if their sense of honor had appeared to be a constant, impartial and regular principle of action, there might be some weight in this remark—But if upon a short comparison of their conduct towards the two belligerents it shall appear, that they are feelingly alive to every appearance of injury on the part of Great Britain, and are perfectly insensible to the multiplied wrongs and insults, the kicks and cuffs, the robberies and plunders of France, we cannot bring ourselves to believe that they enter into this war to vindicate the *honor* of the United States.

The injuries of Great Britain we have already enumerated and considered. They are, the occasional impressment of our seamen, the blockade of French ports, and the orders in council, which in fact include the second. We have, however, no charge against Great Britain of breach of treaty—the only one she has made with us since the treaty of peace, she most honorably executed. Her ships of war have covered every sea for twenty years past, and had she been actuated by the same dire and dreadful hostility to all free states as France has been, we should not at this moment have had such an immense commerce to be delivered up by our government as a defenceless prey to her numerous cruizers. The past unexampled prosperity of the United States, which has been the boast of both parties, of Mr. Jefferson and Mr. Madison, as well as others, is the strongest proof which can be adduced of the general spirit of justice and moderation in the British councils.

Another idea is very important—so honorable and so just has been the conduct of her merchants, so upright has been the deportment of her government towards our citizens who have traded to her ports, that many millions of dollars of American property are at this moment deposited with her for safe keeping, and during a twenty years' war not one case has occurred of a violation of the laws of hospitality, of seizure of our property confided to her, or of unnecessary detention or embargo.

Now let us reverse the picture. How many violations of the laws of civilized nations has France committed during the same period ? I shall not go back to the infamous conduct of her cabinet prior to Mr. Ellsworth's treaty—I limit myself in considering the amount of her wrongs to the last ten years only. That treaty of Mr. Ellsworth's stipulated that we should have a right to trade freely with her enemy, and from one enemy's port to another, and from her enemy's ports to those of France. Yet long prior to the Berlin decree, she forbade our entering her ports after having *touched* in Great Britain merely for *orders and information*. The Berlin decree annulled this article of the treaty, or rather violated it in a shameless manner—yet our government never complained of this breach of treaty. France has professed to respect the doctrine of free ships making free goods—yet she has uniformly confiscated British property taken in our vessels, and has made it the sweeping *pretext* for condemning millions of bona fide *American* property. France has professed to favor free and neutral commerce, yet by her ordinances requiring certificates of origin, she virtually forbade the neutral trade in the productions of her enemy, and thus aimed a fatal blow at our carrying trade.

France was the first nation on the civilized globe (at least since the introduction of admiralty courts) which authorized its cruisers, in violation of the laws of nations, to burn, sink and destroy neutral ships and cargoes on the high seas without any manner of trial. This injury has not been casual, but sytematic and repeated. Mr. Jefferson complained of it as the "most distressing mode in which belligerents exercise might contrary to right." Yet every

squadron which has issued from her ports since 1805, has continued the practice, and no apology has ever been made, nor any redress given for this barbarous and unexampled wrong.

France too has adopted another expedient equally new among civilized states. She has seized property in her own ports which entered them under the safeguard of the law of nations; a measure which no nation ever adopted, except on the breaking out of a war. For this wrong Mr. Madison confesses that we have not even the satisfaction of an apology, or a promise of future recompence; and Mr. Barlow says, that it will be dull and heavy work to press France to the smallest degree of reparation—he begged them only to *promise something*, but they sturdily refused—the war, the compliance with the emperor's orders, may bring us a harvest of promises, but they will still be *French ones*.

France also has treated us diplomatically with the greatest possible indignity. Turreau declared *war for us*—but our national pride never rises at French insults. Champagny told us that "we were without honor, without energy, and less free than the colony of Jamaica." Mr. Madison instructed Mr. Armstrong to notice this insult two years since, and that is the *very last* that we hear of it.

How then can it be believed that our honor or our national interest are the motives to this war, when we find that neither of them are regarded when France is a party to the question?

If it be said that we must chuse our enemy, that we cannot fight both England and France, then I reply, that our honor and interest required that we should fight France, if fight we must.

Our *honor*, because she has heaped upon us insult upon insult—because she was the *first* aggressor—because for no one wrong or insult has she tendered reparation; whereas Britain has made us proposals respecting all her injuries, and has actually made a magnanimous apology and satisfaction for the greatest.

Our *interest* required that we should fight France, if fighting be indispensable, because in losing the trade of France we lose the sale of only three millions of dollars per annum —in giving up that of Great Britain we lose thirty millions —France could not possibly hurt us more in war than she has always done in peace—Great Britain can ruin our commerce, can inflict an injury which fifty years of wise policy cannot repair.

But it is said that France has repealed her decrees, and Britain refuses to perform her promise to repeal her orders.

To those who with a knowledge of the facts can contend for this proposition, all argument would be vain.

If neither the reiterated declarations of the emperor, of his courts, of his marine officers, nor his personal decisions in the Dantzick cases, nor the daily destruction of our ships will convince men, "neither would they be convinced even if one should rise from the dead." [*See Note* 2.]

But one remark ought not here to be omitted, and that is, that Britain has lately *actually repealed* her orders in council, to take effect when the French shall have repealed *even in words her decrees*—and she has declared that all ships taken after such a nominal repeal of the French decrees shall be instantly restored in admiralty, without any *new order* to that effect—It is at such a moment as this, that we undertake to fight Great Britain for maintaining her orders in council and to join France in supporting and enforcing her decrees!! I shall now quit this topic and take my leave of my fellow-citizens, not because it is exhausted, for I scarcely know how to repress the many thoughts which occur on this fertile subject, but I aim at utility alone, and I have said as much as most readers will be disposed to read.

If any man can conscientiously say, after the perusal of this candid, well authenticated, well supported statement of facts, that he thinks we have good cause of war against Great Britain, and that it is both politic and just to single her out in preference to France, why then let him buckle on his armour, and fight manfully, though fruitlessly, in the cause of France; but those of my fellow farmers, who with me think that the war is neither just nor expedient,

and who know it will be ruinous, will leave no constitutional measure untried to put an end to so fatal a measure.

But it may be said, and it is often said, it is now too late to discuss the merits of the declaration of war. The Rubicon is passed. It is your duty to submit and aid as much as possible in the prosecution of the war. It is not patriotic to vindicate the conduct of a nation whom your government has declared your enemy. Let us before we part, my fellow citizens, consider this subject. Every war is supposed to have some *definite object*. That object ought to be a legitimate and honest one, otherwise the war is unjust. It ought also to be a practicable and attainable one, otherwise the war is inexpedient. It ought not to expose us to greater evils and dangers than those which we would wish to remedy, otherwise it is rash and destructive. In order then to know for *what* we are to fight, and *how long* we ought to fight, and what we are to *insist upon* as an ultimatum from our enemy, it is necessary to discuss before the people, (who have as yet heard *only one side of the question* from the inflamed speeches of members of Congress) the whole merits of this war.

If we are bound *forever to approve* of this war, because a majority of six senators only, (no wiser nor better than ourselves) saw fit to declare it in complaisance to the president, why we may as well give up the right of suffrage at once to this oligarchy, and let them save us the trouble of future elections. But if we have a right to change our rulers and to put in better men, men who love peace, rather than a hopeless war ; it is necessary that we should also have the right and power to shew, that the present men have abused their trust by plunging us into an unjust war which might and ought to have been avoided. What limit will our friends of freedom set to the right of discussing the merits or propriety of continuing the war ?

Suppose after ten or twenty years of war, our posterity shall find the country impoverished, our commerce destroyed, our young men sacrificed in fruitless expeditions, the nation ground to powder by taxes and paper money—and suppose our enemy still triumphant on the ocean, and that all the prophecies about her downfall, shall prove illusory,

would not some future patriot in 1832, be authorized to address the people, and assure them that the war was ruinous, that the points for which we were contending were not worth the contest, and that Britain it was evident could not be compelled to yield them, and that for these reasons, they ought to turn out those who were for continuing the war, and put in those who would restore peace?

Would not such a man be a true patriot?

Well then, where will you draw the line as to the *time* when the war may be opposed? Shall it be fixed at six months, a year, ten years, or twenty?

I should say, that from the moment war is declared, those who *conscientiously opposed its declaration* have a right, and to preserve consistency, are *bound*, to endeavour to bring about a peace by shewing the folly, the wickedness and the evils of the war.

Nay, I go farther—the sooner you do this, and the more strenuously, and vigorously, and undauntedly you urge it, the more true patriotism you discover. For by these means you may put an end to the war before its evils are fully realised, and while the country still possesses some commerce worth saving; but there will be little or no merit in opposing the war some twenty years hence, when an oppressed, and impoverished, and desperate people rise as they will eventually do, and look around in despair for the authors of their calamities who will then seek refuge in caves and mountains, and call upon the rocks and hills to cover them.

What is this doctrine that an insulted people hear? Why, that a measure big with the fate of seven millions of people passed in secret conclave, (and as the case *might* be, and *almost was*, by a single vote, and that for aught they could know, a corrupt one,) is not only to be binding upon them as a law, (that they know and will submit to) but its justice, its wisdom, its expediency must not be questioned!!

You may change your rulers next November they tell you; but you must not shew, that Seaver, and Cutts, and Richardson, and Widgery, and Green, have sacrificed your interests,—have abandoned you, helpless and forlorn, to the curses of French alliance and the sweeping and resistless force of the

ritish marine. These are not MY maxims. I say, meet, omprehend, weigh, consider, discuss the causes, secret and vowed, the progress and the consequences of this dreadful nd needless war. Inquire who are its authors, and who are pposed to it. Compare them together—at the head of he friends of peace you will find Jay, and King, and Pinkney, and Strong, and Pickering, and Gilman, and Gore, nd Smith, and Otis, and Griswold, and Hillhouse, and General Brooks, and all the other friends of Washington; nd in favor of it you will find Madison, and Dearborn, nd Cutts, and Widgery, and Seaver, and Austin, and Homans, and perhaps some of the colonels and lieutenant colonels, contractors, army agents and custom house spies.

Take away in this state the men who hold places under the government, and there is scarcely a man of any distinction who is not *a friend to peace*. Let then your supplications, remonstrances, resolutions, groans and complaints be wafted on every breeze to the President's throne. Turn your eyes instantly towards such firm, upright, undeviating patriots as will save the commonwealth in this perilous time, and suffer those who have abused your confidence "*to return to private life;*" but above all, preserve union and concert in all your measures. Recollect the old maxim of our revolution, which is still more important to be applied to *New England and the commercial states* NOW than it was THEN, United we stand, divided we fall.

A NEW-ENGLAND FARMER.

NOTES.

NOTE 1.

It may be asked, why so much time is devoted to the argument upon the orders in Council?

We answer. Because the old complaints of impressment, and of hovering on our coasts, and the general principles of blockade adopted by Great Britain, are only the light and shade, the mere colouring of the principal ostensible cause of the war. Any man who will review the course of negotiation between us and Great Britain will perceive, that since the settlement of the affair of the Chesapeake, the orders in Council of April, 1809, are the only ostensible causes of hostility which have been urged against Great Britain. Mr. Erskine's arrangement extended *only* to the satisfaction for the attack on the Chesapeake and to the repeal of the orders in Council. All the *minor points* in dispute were left untouched, and yet Mr. Madison undertook, on the *unauthorized* promise of Mr. Erskine to restore Great Britain to the situation of the most favored nation, upon the settlement of the Chesapeake affair, and the repeal of the orders in *Council only*, leaving the other pretended causes of war wholly unadjusted.

We are now however *at war*, and in order to know for what we engage in this dreadful calamity, we are to seek the answer in the terms of Erskine's arrangement, Mr. Madison having restored Great Britain to her trade with us by that negotiation, and he was not authorized to do this until Great Britain ceased to violate our neutral rights.

We have a *right* then to say, on this authority of Mr. Madison, that the orders in Council are the sole cause of the war, and those *who wish for peace* must either believe that those orders are not *justifiable* causes of war, or must contend, that their repeal must be made a sine qua non, an indispensable condition of any treaty of peace.

Now, believing as I do, that their repeal will not be granted by Great Britain until the united arms of France and America reduce her to the lowest degree of humiliation and weakness, or until the Berlin and Milan decrees are repealed; and believing, that it is neither just, nor for our *interest*, to compel her to rescind them while those of her enemy anterior in point of time are in full force, I have thought it expedient to endeavour to satisfy the citizens of our country, that the repeal of the orders in Council ought not to be an ultimatum in our demands in a negotiation for peace. If we are not persuaded of this, *it is vain* and *hopeless* to clamour for peace. Peace we probably never shall have, if we contend for the repeal of the orders in Council, unless France should revoke bona fide her decrees.

It will become now a point of honor with our enemy to maintain them. Yet if, as Mr. Madison and his friends contend, the orders in Council are a signal act of injustice, wholly unprovoked and unwarranted by the laws and usages of nations, no *honorable man* could *ask* the government to *make peace* while *those orders remain in force.*

It is because I believe, that those orders were so far as respected *France*, the aggressor, *justifiable.* It is because I believe that a moderate share of spirit and honorable impartiality on our part would have procured the repeal of the French decrees, or at least have induced Great Britain to rescind her orders in Council, that I have entered so much at large into this argument.

I now advance an opinion, which I fully believe will appear hereafter to be correct, that until we can bring ourselves to view this question *candidly* as between two powerful belligerents, the one fighting for existence and the other for conquest, until we can perceive that Great Britain was constrained by the paramount law of self preservation to retaliate on her enemy her own unexampled injustice, we must content ourselves with a perpetual war, (unless France should recede from her system) or else hail as a blessing, the greatest possible of all calamities to us, the subjugation of Great Britain by the common enemy of the human race. Those who can derive consolation from such a prospect, may not heed our arguments, or give credit to our motives, but sober men will reflect and weigh the dreadful consequences before they decide to contend for so questionable and so unimportant a point.

Note 2.

Bonaparte has such a thorough contempt for his new ally, Mr. Madison, that he takes no pains to spare his feelings or support his character. Now a short, simple, nominal repeal of the Berlin and Milan decrees would have helped Mr. Madison *much*, and not have injured the emperor's system in the least; for he might still have condemned under special decrees, as he has lately done—he might still have burnt every American ship on the ocean, and never have had his imperial repose disturbed by the unquiet complaints of his new ally. But as if purposely to proclaim to the world his utter contempt of our government, and his absolute control over it, he has declared on *not less than ten* public occasions that his decrees *were not* repealed. And why should he not, since he found us marching on as straitly as he could wish to fulfil his orders of fighting Great-Britain? The last arrival from Europe contains another repetition of this insult and contradiction of Mr. Madison.

The Moniteur (Bonaparte's official paper) declares "that the French decrees were *not repealed* with respect to Americans till April 28, 1811," that is to say, *six months* after our president's proclamation declaring them repealed in November, 1810, and after the arrival in France of news of our non-intercourse act of March, 1811, which was construed to be a causing our rights to be respected; so it now appears that the condition annexed to the Duc de Cadore's letter of August 5, 1810, was a condition precedent. But the French decrees, according to the Moniteur, *were not repealed* in May last, for it concludes with this sentence—"Let England revoke her new legislation of blockade and her orders in council, and the Berlin and Milan decrees *will* be annulled, and all neutrals treated in France as they were previous to the present war." This was at the very moment when Madison was writing a manisesto declaring the decrees repealed.

Now *what neutrals*, we would ask, are there in the present war? Upon whom are these repeals and promises of Bonaparte to operate? At the time when the article in the Moniteur was written, America was a sort of neutral—a neutral in every thing but impartiality in its dealings; now, alas! Europe and America do not contain a single neutral state. Britain stands alone against the world, defending her right to retaliate her enemy's injustice on himself, and *we* have just joined France for the avowed object, as the Moniteur tells us, of compelling England to withdraw her *retaliatory orders, after* which, it informs us, France will revoke her *prior* decrees, (that is to say, if she pleases, and can do *no better*.) But when England is reduced to that state of humiliation, I think his majesty's promises would, *like many* former ones, be *forgotten*.

Note 3.

The people are to be deluded into the belief that this war is to be prosecuted without the imposition of new taxes; Congress have therefore postponed the tax-bills—but they are only *postponed*. After the election, when Mr. Madison's place will be secure, they will be passed, or if not, an immense debt (if they can procure loans) will accumulate, and then the only boon we shall have will be that our children will be taxed instead of ourselves. Now the liability to taxation at a future day, and the certainty that that day must arrive, actually reduces the present value of our houses, our farms, and the price of labor nearly in as great a degree as immediate impositions or taxes. The future taxes indeed will be enhanced in proportion to the accumulation of debt, and will be more severely felt than if gradually imposed. Public credit will in the mean time suffer, and the price of every thing which the government may require for the support of the war will be greatly and needlessly enhanced.

The people, particularly of the Northern States, are now in fact taxed for the war, and will soon feel its pressure by the diminished value of their real estates, by the reduced price of labor, and the difficulty of finding employment, and by the dreadful increase of the price of all foreign commodities, which have become almost necessaries of life.